

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 8, 2005
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Catherine Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rabbi Nissim Wernick, Herbrew Congregation, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the March 1, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS:

Service Citation

Distinguished Service Citation-Robert L. Whittaker, Jr.

Mayor Mayans recognized and presented Robert L. Whittaker, Jr. a plaque for his 33 years of service with the Department of Parks and Recreation.

Proclamations

Mayor Mayans read aloud the proclamations and acknowledged the following individuals:

Wichita Radio Reading Service Volunteer Recognition Month-Bridget Jones and Group.
Child Abuse Prevention Month-Cayla Wasson.
Professional Social Work Month-Michelle Vassalli
Mental Retardation Awareness Month-Corky Siebert and Dick Keck (not present)
Youth Violence Prevention Week-Brian Wilson, Alicia Lowry and Nikkii Ellison
National Safe Place Week-Risa, Brad Davis and Vallery Fields

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 7, 2005.**

Bids were opened March 4, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Storm Water Drain #224 to serve Avalon Park 2nd Addition - north of 37th Street North, west of Tyler. (468-82750/751374/485265) Does not affect existing traffic. (District V)

Pearson Excavating Inc. - \$242,635.00

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Wichita WaterWalk Public Improvements Phase 1 - Construction of South Streets - north of Kellogg, east of Arkansas River. (472-84132/448-90050/468-83962/792424 /635664/622094/435352/765717/675126) Area to be closed to through traffic. (District I)

Cornejo & Sons Construction - \$638,835.25

North. 127th Court E. from the east line of The Fairmont 3rd Addition west to and including the cul-de-sac to serve The Fairmont 3rd Addition - west of 127th Street East, north of 21st Street North. (472-84136/765919/490032) Does not affect existing traffic. (District II)

Kansas Paving Company - \$77,048.49

West 56th Circle S. from the west line of Minnie Avenue west to and including the cul-de-sac; Wayne Circle from the west line of Minnie Avenue west to and including the cul-de-sac to serve My House Addition - south of 55th Street South, west of Broadway. (472-84049/765903/490016) Does not affect existing traffic. (District IV)

Kansas Paving Company - \$99,952.00

Storm Water Drain #235 to serve My House Addition - south of 55th Street South, west of Broadway. (468-83836/751382/485273) Does not affect existing traffic. (District IV)

Jayhawk Contractors - \$79,373.70

Lateral 2, Main 11, Sanitary Sewer #23 to serve Sawmill Creek Addition - north of 45th Street North, east of Rock. (468-83171/744101/480789) Does not affect existing traffic. (District II)

McCullough Excavation - \$83,550.00

Water Distribution System to serve Sawmill Creek Addition - north of 45th Street North, east of Rock. (448-90022/735234/470905) Does not affect existing traffic. (District II)

WBW Contractors - \$60,654.00

Motion--

--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Paint.

PPG Architectural Finishes Inc., dba Porte Paints – \$11,068.00* (Group 1/base bid)

*Estimate – Contract approved on unit cost basis.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Carpet Installation and Repair.

Sherwin Williams – \$78.01* (Group 1/base bid)

*Estimate – Contract approved on unit cost basis.

PARK AND RECREATION DEPARTMENT/MAINTENANCE DIVISION: Mowing, Trimming and Maintenance of Cemetery.

Suburban Landscape Management - \$15,120.00* (Group 1/base bid)

*Estimate – Contract approved on unit cost basis.

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VARIOUS DEPARTMENTS, BOARDS & AGENCIES: Tire Repair and Service.

Becker Tire of Wichita – \$10,805.70* (Group 1/base bid)

*Estimate – Contract approved on unit cost basis.

PARK & RECREATION DIVISION: RECREATION DIVISION: Concrete Pathway – Harrison Park.

PP and J Construction - \$25,000.00 (Group 1 total net bid)

AIRPORT DIVISION/ENGINEERING DIVISION: Storm Water Sewer Improvements – Gate E.

WB Carter Construction - \$56,424.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION:

--One @\$17,615.00 each – screw, pressing zone, POS 309, Parkson #1002285;

--One @\$9,396.00 each – screen pressing zone, POS 9/312, Parkson #002503;

--One @\$8,414.00 each – screen, screen area, POS 23/307, Parkson #1002633.

Parkson Corporation* - \$35,425.00

**Purchases Utilizing Sole Source of Supply - Ordinance No. 35-856

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE

APPLICATION FOR LICENSE.

Renewal – Escort Service

Sonja Barnes Class Act Production 209 South Washington

Motion--
--carried

Mayans moved that the license subject to Staff review and approval be approved. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Ian Thy Ta	Kim H Wong*	1015 North Broadway
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<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Hong Vo	Maple Corner	10409 West Maple
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

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PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Planeview Grant Funded Sanitary Sewer Reconstruction Phase 3 - along 29th Street North from St. Francis to Ohio. (468-83923/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$298,000
- b) Lateral 273, Main 5, Sanitary Sewer #22 to serve an Unplatted Tract located north of 8th, west of Hoover (468-83939/744103/480791) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$22,500
- c) Lateral 505 Southwest Interceptor Sewer to serve Angel Fire Addition - north of 47th Street South, east of West Street. (468-83932/744104/480792) Does not affect existing traffic. (District IV) - \$48,000
- d) Water distribution system to serve Angel Fire Addition - north of 47th Street South, east of West Street. (448-90024/735235/470906) Does not affect existing traffic. (District IV) - \$37,000
- e) Water distribution system to serve Copper Gate Estates Addition - south of 13th Street North, both sides of 135th Street West. (448-89757/735214/470884) Does not affect existing traffic. (District V) - \$118,000
- f) Water distribution system to serve The Fairmont 3rd Addition - north of 21st Street North, west of 127th Street East. (448-90027/735231/470902) Does not affect existing traffic. (District II) - \$54,000
- g) Peregrine from the south line of said addition to the north line of Lot 1, Block 7; Kite and Blackhawk from the south line of Lot 12, Block 3 to the west line of Lot 1, Block 3; Kite Circle adjacent to Lots 15 thru 18, Block 1 and Lots 1 and 2, Block 4; Sidewalk along one side of Peregrine, Kite and Blackhawk; a temporary cul-de-sac to be installed at the south end of Peregrine to serve Falcon Falls Addition - south of 53rd Street North, west of Hillside. (472-83689/765924/490037) Does not affect existing traffic. (District I) - \$360,000
- h) Jewell from the east line of the plat to the west line of Lot 8, Block B; Grant, from the east line of the plat to the west line of Lot 1, Block D; Rogers Lane from the south line of Grant, south and west to the west line of Lot 16, Block A; Jewell Court (Lots 1 through 8, Block B) from the north line of Jewell, north to and including the cul-de-sac; Jewell Court (Lots 48 through 60, Block E), from the south line of Jewell, south to and including the cul-de-sac; Grant Court (Lots 1 thru 13, Block E), from the north line of Grant, north to and including the cul-de-sac; Grant Court (Lots 1 thru 10, Block A), from the south line of Grant, south to and including the cul-de-sac; Rogers Circle from the north line of Grant, north to and including the cul-de-sac; Sidewalk along one side of Jewell, Grant, and Rogers Lane to serve Turkey Creek Addition - north of Pawnee, west of 119th Street West. (472-84028/765899/490012) Does not affect existing traffic. (District IV) - \$595,000
- i) Storm Water Drain #248 to serve The Fairmont 3rd Addition - north of 21st Street North, west of 127th Street East. (468-83936/751388/485279) Does not affect existing traffic. (District II) - \$234,840
- j) 2005 Contract Maintenance Asphalt Street Repairs and Quickset Slurry Seal, Phase 1 - north of Kellogg, west of Rock Road. (472-84150/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, V, VI) - \$609,818
- k) University Avenue for a street widening for the eastbound lanes of University Avenue from approximately two hundred feet east of the intersection with Ridge Road to Ridge Road to serve University & Ridge Addition - south of Maple, east of Ridge. (472-83894/765838/490949) Does not affect existing traffic. (District V) - \$40,000

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l) 45th Street South from the east line of Lot 11, Block B, east to the east line of Leonine; Leonine from the north line of 45th Street South, south to the north line of Lot 18, Block C; 45th Street South Court from the south line of 45th Street South, south to and including the cul-de-sac; Sidewalk on one side of 45th Street South and Leonine to serve Angel Fire Addition - north of 47th Street South, east of West Street. (472-84126/765922/490035) Does not affect existing traffic. (District IV) - \$157,000

m) Lateral 8, Main 14 Southwest Interceptor Sewer to serve Chance Industrial Park Second Addition - south of Kellogg, west of West Street. (468-82194/744089/480777) Does not affect existing traffic. (District IV) - \$81,600

n) Storm Water Drain #196 to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (468-83558/751378/485269) Does not affect existing traffic. (District V) - \$413,000

o) Founders Circle from the north line of Lot 1, Block 1, Wichita Clinic Addition to and including the cul-de-sac; Sidewalk on the west side of Founders Circle from the north line of Lot 1, Block 1 to the cul-de-sac to serve Wichita Clinic Addition - south of 21st Street North, east of K-96. (472-83893/765911/490024) Does not affect existing traffic. (District II) - \$321,000

Motion--carried

Mayans moved that the Preliminary Estimates be approved. Motion carried 7 to 0.

PRAIRIE POND

PETITIONS FOR PAVING IMPROVEMENTS FOR PRAIRIE POND PLAZA ADDITION, NORTH OF KELLOGG, EAST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0186

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving improvements to a new commercial development located north of Kellogg, east of 143rd Street East.

The Petitions total \$722,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-115

Resolution of findings of advisability and Resolution authorizing pavement improvements to include dual southbound left turn lanes from 143rd Street East to Kellogg, dual left turn lanes from Kellogg to 143rd Street East, exclusive southbound right turn lane from 143rd Street East to Kellogg, exclusive westbound right turn lane from Kellogg to 143rd East and Kellogg, 472-84168 (north of Kellogg, east of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-116

Resolution of findings of advisability and Resolution authorizing constructing pavement improvements on Kellogg Drive from the east line of Prairie Pond Plaza Addition to the west line of Prairie Pond Plaza Addition, 472-84169 (north of Kellogg, east of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 05-117

Resolution of findings of advisability and Resolution authorizing constructing a temporary left turn lane on 143rd East to serve Prairie Pond Plaza Addition, 472-84170 (north of Kellogg, east of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

AVALON PARK

PETITION TO CONSTRUCT A STORM WATER DRAIN IN AVALON PARK SECOND ADDITION, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0187

On January 11, 2005, the City Council approved a Petition to construct a Storm Water Drain in Avalon Park 2nd Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new residential development located north of 37th St. North, east of Tyler.

The existing Petition totals \$245,000. The new Petition totals \$300,000. The funding source is special assessments.

State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-118

A Resolution amending Resolution No. 04-349 pertaining to constructing Storm Water Drain No 224 (468-83750 (north of 37th Street North, east of Tyler, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WIEDEMANN

PETITION TO CONSTRUCT A FRONTAGE ROAD ON THE SOUTH SIDE OF KELLOGG, FROM WIEDEMANN STREET TO APPROXIMATELY 1,200 FEET EAST OF WIEDEMANN STREET, SOUTH OF KELLOGG, BETWEEN WEBB AND GREENWICH. (DISTRICT II)

Agenda Report No. 05-0188

The Kansas Department of Transportation (KDOT) administers a corridor management program to assist local governments with certain roadway improvements to preserve traffic safety and capacity. Projects along the Kellogg traffic corridor are eligible for funding under this program. Sixty-seven percent of project costs up to \$250,000 are paid by KDOT and the remainder by a local match.

The developer of a large, new auto retail complex wants to construct a frontage road on the south side of Kellogg, from Wiedemann Street to approximately 1,200' east of Wiedemann Street.

The estimated project cost is \$125,000. KDOT has agreed to fund \$83,750 from the corridor management program. The developer has submitted a Petition to fund the remaining \$41,250 from special assessments. The signatures on the Petition represent 100% of the improvement district.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-119

Resolution of findings of advisability and Resolution authorizing improving a frontage road along the south side of Kellogg Avenue from the west line of Pizza Hut Second Addition to approximately 250 feet east of the east line of Pizza Hut Second Addition, 472-84141 (south of Kellogg, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

EVERGREEN

PETITIONS FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE EVERGREEN ADDITION, NORTH OF 21ST STREET, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-0189

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new commercial development located north of 21st, west of Maize.

The Petitions total \$284,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-120

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90058 (north of 21st Street, west of Maize Road) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-121

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 6, Northwest Interceptor Sewer, 468-83969, (north of 21st Street, west of Maize Road) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

2005 Aide Walk – in and around Central Riverside Park.

- Nims – from West Murdock to Stackman
- Stackman – from West Murdock to Nims

Motion--

Mayans moved that the request subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City as an additional insured with respect to the event's use of the closed City streets be approved. Motion carried 7 to 0.

--carried

CONTS/AGRMNTS CONTRACTS & AGREEMENTS FOR FEBRUARY 2005.

Motion--carried

Mayans moved that the report received and filed. Motion carried 7 to 0.

CLAIMS REPORT ON CLAIMS ALLOWED – JANUARY 2005:

<u>Name of Claimant</u>	<u>Amount</u>
Aquila, Inc. (aka Peoples Natural Gas)	\$241.56
Laffoon, Todd	\$464.10

Motion--carried

Mayans moved that the report be received. Motion carried 7 to 0.

EQUUS BEDS EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT. (PHASE 1) – SUPPLEMENTAL AGREEMENT.

Agenda Report No. 05-0191

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. (Engineer) to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project for \$798,532.

November 5, 2002, the City Council approved Supplemental Agreement No. 1, for additional archeological services to evaluate the impact of the discovery of a prehistoric artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No. 3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

The proposed Supplemental Agreement is comprised of the following:

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Shallow Aquifer Pump Test - Phase I of the ASR Project includes the construction of seven diversion wells adjacent to the Little Arkansas River. The purpose of the wells is to capture excess flow in the river that can be used to recharge the aquifer at other sites. The GMD had concerns that the wells would not capture river water, but capture groundwater instead. To address these concerns, the City has committed to drilling a shallow test well to evaluate the productiveness of shallow wells. This Supplemental Agreement includes the cost to construct a test well and to conduct pump tests, with subsequent analysis of the results and the final report not to exceed \$71,247.

Additional Hydrogeologic Borings – To accommodate property acquisition, two of the proposed recharge facilities were to be moved to different sites. This Agreement includes costs to drill additional test borings at the two sites for a cost not to exceed \$27,043.

Boundary Surveys – The original Scope of Services did not include boundary surveys of the acquired land. This Agreement includes the cost for boundary surveys at two sites where the City has purchased the land rather than easements, and to do a final site survey at sites where the City will be installing diversion wells adjacent to the Little Arkansas River. The cost will not exceed \$24,922.

ASR Permit Assistance – A key element in this project has been the acquisition of water appropriations from the State of Kansas, Division of Water Resources (DWR). The City's project is the first project in the State of Kansas to seek water appropriations for an aquifer storage and recovery project, and the process to obtain the appropriations has been difficult, as all involved working through a learning curve.

At the time this project began, the City and the Engineer made projections of how much effort would be required from the Engineer. Since that time, the make-up of the GMD has changed substantially, which has resulted in unexpected opposition to the project that had to be addressed. The first submittals to the DWR were made in November of 2002, and at that time, it was anticipated that the design of the project would be completed by June of 2003. However, in response to the initial opposition from the GMD, the DWR has been very cautious in its approach to reviewing and approving the permits, and the project completion has consequently been delayed for over one and one-half years.

During this time, the DWR has requested additional technical information and computer modeling, which was available only through additional efforts from the Engineer. The work performed for this was not as much related to design of the project, but towards providing additional services such as serving as a consultant, or witnesses, for the City in administrative hearings and other legal proceedings related to the project. Because of the variable and unpredictable nature of the additional requests, it would have been impossible for the Engineer to accurately define a Contract adjustment prior to performing the work. The Supplemental Agreement includes compensation for additional computer modeling work for \$92,603. Land acquisition assistance, hearing preparation and testimony, and other assistance required to meet DWR requests over the past two years amounts to \$240,518.

The cost for all of the components of Supplemental Agreement No. 5 will not exceed \$456,333. Funding for this project is included in CIP W-549, Water Supply Plan Phase III that has available funding of over \$7.6 million.

Motion--
--carried

Mayans moved that the Supplemental Agreement with Burns & McDonnell be approved and the necessary signatures authorized. Motion carried 7 to 0.

COPPER GATE

AGREEMENT TO RESPREAD ASSESSMENTS: COPPER GATE NORTH ADDITION, NORTH AND SOUTH OF 13TH STREET NORTH, EAST OF 135TH TREET WEST. (DISTRICT V)

Agenda Report 05-0192

The landowners, Kick 'N' Development Corp., a Kansas Corporation and Kelsey Investments, Inc., a Kansas Corporation, platted Copper Gate North Addition and have submitted an Agreement to respread the special assessments.

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The land was originally included in an improvement district for a water distribution project. The purpose of the Agreement is to eliminate the special assessments on the lots in Copper Gate North Addition and spread them to a piece of land in Copper Gate Addition, all within the improvement district.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

KDOT GRANT

KDOT GRANT AGREEMENT-INTERNATIONAL TRADE PROCESSING CENTER.

Agenda Report No. 05-0193

Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received a \$1,000,000 Congressional Earmark for a feasibility study and work plan for an International Trade Processing Center. These funds are issued by the Federal Highway Administration and are provided through the Kansas Department of Transportation (KDOT) to the City. At a City Council workshop held November 2, 2004, the City Council requested the City Manager proceed with securing the grant funds for the feasibility study.

Staff worked with the Kansas Department of Transportation and the Law Department to develop the grant agreement. The City will coordinate the work efforts with public and private organizations, including, but not limited to: Kansas World Trade Center, Sedgwick County, Regional Economic Area Partnership (REAP), Greater Wichita Economic Development Coalition (GWDEC), and the Kansas Department of Commerce. The City will coordinate the management of the study and work plan and select a consultant to evaluate the economic feasibility and develop a work plan for implementing an International Trade Processing Center – a high tech inland processing and distributing Center and Warehouse. The consultant will determine the feasibility of such an inland port, identify key partners, facility and infrastructure needs/costs, configuration and layout, funding and potential sites, customs and security requirements, development costs and other important aspects of such a trade processing facility.

The specific tasks the consultant will undertake include:

- Ø Survey user needs and support for a trade processing (and warehousing) center and develop an operations concept based on the survey results;
- Ø Create an operational design for a trade processing center and model various physical features and business service offerings based on the survey;
- Ø Create a strategy and development plan for a South Central Kansas international trade processing center and related facilities.
- Ø Coordinate with other agencies, including governments and organizations listed above, in the development of infrastructure and technology needs.
- Ø Identify financial support needed from beneficiaries from the improvement of trade and transportation facilities and operational requirements.

The grant agreement is a cost reimbursement agreement. No matching funds are required.

Motion--
--carried

Mayans moved that the grant agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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STREET RESURF.

STREET RESURFACING PROJECT ON US-54/US-400 KELLOGG, FROM 119TH STREET WEST TO LARK LANE. (DISTRICTS IV & V)

Agenda Report No. 05-0194

The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within the their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2006 funds in the amount of \$200,000 have been allocated for a resurfacing project on the west bound lanes of US-54/US-400 (Kellogg), from 119th Street West to Lark Lane.

The estimated total cost of this project is \$450,000. The Agreement provides that KDOT will reimburse the City in the amount of fifty percent of the approved construction cost including construction engineering and contingencies, but not to exceed a maximum of \$200,000.

Funding in the amount of \$250,000 is available in the Street Maintenance Operating budget for the local portion of the cost of this project.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HONEYWELL

APPROVAL OF FORGIVABLE LOAN AGREEMENT FOR HONEYWELL. (DISTRICT IV)

Agenda Report No. 05-0195

On December 21, 2004, the City Council approved a package of incentives offered to Honeywell as an inducement to keep its Wichita operations from being closed as part of a company-wide consolidation program. As a result of the incentive offer, Honeywell has leased a six-acre site at Mid-Continent Airport and plans to construct a new 57,000 square foot facility, designed to accommodate the existing Honeywell Wichita workforce of 179 employees, plus provide space for future growth in employment.

In addition to State of Kansas incentives (which included training a grant, state income tax credits, sales tax exemption and a \$100,000 forgivable loan), the City and County each agreed to make forgivable loans to Honeywell in the amount of \$71,600. The City's offer of a forgivable loan was made subject to approval by the City Council of a written forgivable loan agreement, which is requested at this time.

The City and County have negotiated the terms of the forgivable loans, based on a standard form used by the State of Kansas in its KEOIF forgivable loan program. A forgivable loan converts to a grant over a specified period of time, as specified conditions are met. The Honeywell forgivable loan will be converted to a grant over a five-year period, based on Honeywell maintaining its employment and wages of 179 employees at an average wage of \$40,000 per year. Loan proceeds will be used by Honeywell to pay costs relating to construction, site improvements, equipping and relocating to the new Wichita facility.

Each year, the outstanding balance of the loan will be forgiven in one-fifth installments if that year's job and wage commitments are met, and carried forward if not. At the end of five years, the remaining balance of the loan will be forgiven if the full job and wage commitment has been reached. If not, the outstanding balance will be due and payable at that time. In addition, if Honeywell moves its operations from Wichita during the term of the agreement, the entire amount of the loan will be due and payable, including accrued interest at twelve percent (12%).

Funding for the forgivable loan in the amount of \$71,600 has been approved and encumbered in the 2004 general fund appropriated reserve.

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The Forgivable Loan Agreement and Promissory Note will be approved as to form by the Law Department prior to execution.

Motion--
--carried

Mayans moved that the Forgivable Loan to Honeywell in the amount of \$71,600 be approved and the necessary signatures authorized. Motion carried 7 to 0.

SRS

EXTENSION OF PURCHASE OF SERVICE AGREEMENT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SRS.

Agenda Report 05-0196

In March 2004, the City of Wichita entered into a purchase of service agreement with the Kansas Department of Social and Rehabilitation Services (SRS) for the City's Career Development Office (CDO) to provide employment preparation and job placement services to welfare recipients. The state has offered the city an extension of the agreement for services to continue for another year.

The CDO has worked with 649 welfare recipients since April, 2005 and currently has 237 active clients. The placement goal for the first year of the agreement is 125. Through December, 147 clients have been placed with an average wage of \$7.91 per hour.

The agreement of \$562,008.72 will cover the expenses of the CDO to provide services to welfare recipients of Sedgwick County and will not obligate general fund monies.

Motion--
--carried

Mayans moved that the finalization of SRS Provider Agreement extension be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A PORTION OF THE ABANDONED UNION PACIFIC RAIL CORRIDOR FOR THE MIDTOWN GREENWAY. (DISTRICT VI)

Agenda Report No. 05-0197

In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Ave. and Wichita St. to 15th St. and Broadway. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The city has reviewed the former corridor and decided that it could be untitled to develop a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th St. from the adjacent owners.

Due to their size and configuration, the tracts being acquired are not developable by themselves. The majority of the tracts abut developed properties but lie outside the fenced, defined boundaries of the properties. The purchase price of similar tracts was reviewed to estimate market value. These amounts were offered to the adjacent property owners with several accepting the offers. The owner at 1043 N. Water has agreed to sell to the city his portion of the Union Pacific Railroad tract consisting of 1,180 square feet at \$500.

A budget of \$650 is requested for the acquisition. This includes \$500 for the acquisition and \$150 for closing costs. The funding source is previously approved CDBG funds.

Motion--
--carried

Mayans moved that the budget and real estate purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION OF 2146 GEORGE WASHINGTON BLVD. FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0198

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 2146 George Washington Boulevard, which is owned by Mr. & Mrs. J. M. Chinn. The site contains 32,941 square feet and is improved with a 1,972 square foot brick, ranch residence.

The city had the property appraised in January 2005. The appraised value of \$128,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$133,750 is requested. This includes \$128,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A PORTION OF 115-135 SOUTH HILLSIDE: HILLSIDE KELLOGG TO CENTRAL. (DISTRICT II)

Agenda Report No. 05-0199

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is a portion of 115-135 South Hillside. The site contains 19,394 square feet and is improved with two retail buildings, one with 7,400 square feet and the other with 1,270 Square feet. The project requires the east 15 feet of the tract, approximately 2,000 square feet. The acquisition reduces parking on the site below code and eliminates access to the smaller building. The code issue can be resolved by removing the smaller building.

The acquisition was appraised at \$95,000. This includes \$15,000 for the land and \$80,000 for the loss of the smaller building. The owner is agreeable with the removal of the building. Actual costs were researched for the removal and it was found that the actual costs of demolition and reconfiguration were greater than the appraiser's estimate, or in some cases were omitted from the appraisal. Among other items, the site has underground tanks that must be removed and the building has asbestos that must be abated. Including these costs raised the overall cost to \$140,000. The owner has agreed to accept this amount.

Funds have been budgeted in the Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$155,000 is requested. This represents \$140,000 for acquisition, \$10,000 for relocation, and \$5,000 for closing costs, surveys, title insurance and other miscellaneous costs.

Motion--
--carried

Mayans moved that the Budget be approved; the Real Estate Purchase Contracts approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROPERTY ACQ. ACQUISITION OF PART OF 2412 WEST PAWNEE MERIDIAN IMPROVEMENT PROJECT FROM 31ST SOUTH TO PAWNEE. (DISTRICT IV)

Agenda Report No. 05-0200

On March 1, 2005, City Council approved a project to improve Meridian, between 31st Street South to Pawnee. The improvement plans call for partial acquisitions of two parcels. One acquisition at 2412 W. Pawnee requires a 112.5 square foot corner take of land. The property is a tenant occupied retail store situated on a 27,878.4 square foot site.

The property owner has agreed to accept \$635 \$565 for the acquisition and \$70 for the temporary easement. The building improvements will not be impacted by this acquisition.

The funding source for the City share of the project is General Obligation Bonds. A budget of \$750 is requested. This includes \$635 for the acquisition, and \$115 for closing costs and title insurance.

Motion--
--carried

Mayans moved that the Budget and Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF 3816 EAST MT. VERNON FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0201

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 3816 East Mt. Vernon, which is owned by Janice Brack. The site contains 21,299 square feet and is improved with a 2,258 square foot, split-level, wood frame residence.

The city had the property appraised in January 2005. The appraised value of \$122,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$127,750 is requested. This includes \$122,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF LAND. (DISTRICT V)

Agenda Report No. 05-0202

December 30, 2003, the City Council approved the acquisition of a parcel of land between Tyler and Maize Roads south of 31st Street South and authorized staff to negotiate a real estate purchase contract. On July 27, 2004, the City Council approved the real estate purchase contract. The contract called for the land to be acquired in four parcels. The first parcel was acquired on September 28, 2004. The other three parcels were optioned with acquisition dates of March 31 of 2005, 2006 and 2007.

The option price is \$946,667.00 plus interest from March 31, 2004 at .75% (approximately \$7,100). If the option is not exercised by March 31, 2005, it as well as the remaining two options shall be declared null and void.

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Funding for the acquisition was approved by the December 30, 2003 action, as was a bonding resolution.

Motion--
--carried

Mayans moved that the exercise of the option be approved and the necessary signatures authorized. Motion carried 7 to 0.

AMR INSTALL.

AUTOMATIC METER READING INSTALLATIONS.

Agenda Report No. 05-0203

On June 18, 2004, City Council approved the installation of approximately 2,000 replacement meters and automatic meter reading (AMR) units over each of the next three years (2004, 2005, and 2006).

In 2004, the first installations were completed and the program achieved exceptional results. The installations were completed without incident and the new mobile reading hardware and software resulted in these units being able to be read on a monthly basis with one hundred percent accuracy in approximately two hours. This compares with roughly fifty-five Staff hours monthly that had been required to perform manual reads.

The result of the installations has been the reduction of Staff time devoted to meter reading and the ability of the reading Staff to stay on schedule. Benefits will multiply with the completion of the project. Accelerating the completion of the program in 2005 will also result in the elimination of several vehicles used for driving routes.

Capital project expenditures were previously approved by City Council. Expending the remaining project budget of \$1,013,000 in 2005, rather than 2006, will not materially affect the Water Utility CIP.

There are no legal considerations related to completing the project in 2005.

Motion--
--carried

Mayans moved that the City Council concur with the completion of the meter change out and AMR installation project during 2005. Motion carried 7 to 0.

LATTNER

LATTNER FOUNDATION GRANT APPLICATION FOR WATER CENTER EDUCATION EXHIBITS.

Agenda Report 05-0204

The environmental education component of the Wichita Area Treatment, Education and Remediation (WATER) Center addresses water quality resources focusing on public education regarding hydrological processes, groundwater remediation, impacts to public health and the environment, and the inter-relationship between groundwater and the Arkansas River. The facility provides a unique and important educational destination for schools, civic groups, and the general public.

In 2003, a preliminary WATER Center education exhibit development plan was prepared by the firm of has selected Taylor Studios for the design and construction of the center's exhibits. The firm provided for the design of the exhibits for the Herman Hill/Gilbert-Mosley Environmental Education Facility. The draft contract has been reviewed by both the Legal Department and the Purchasing Department. Taylor Studios has performed other projects in area such as the "Fossil Dig" at Exploration Place and all of the new exhibits for Dillon Nature Center in Hutchinson. conceptual exhibit designs though discussions and interaction with local and state educational institutions, staff, and other community organizations and developed and provided a "design book" of proposed exhibits for the facility. The firm also developed projected construction costs that will be used for funding solicitation. This grant would aid in funding the water education exhibits at the WATER Center.

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The grant application deadline was March 1, 2005. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the grant application where delay would invalidate the grant application.

The Department of Environmental Health requests authorization to apply for the Forrest C. Lattner Foundation grant. The grant would fund new hands-on environmental education exhibits at the WATER Center. The educational component of the WATER Center has been designed similarly to that of the Great Plains Nature Center. Once exhibits and displays were installed, the Nature Center was able to reach 150,000 visitors per year. The WATER Center's objective is to provide a similarly large number of visitors with an enhanced educational experience on water quality, protection and conservation, pollution prevention, and environmental stewardship.

The Department of Environmental Health is requesting Forrest C. Lattner Foundation grant funding of \$25,000. The grant does not require matching funds from the city.

Motion--
--carried

Mayans moved that the grant application be approved; the grant awarded and the necessary signatures authorized. Motion carried 7 to 0.

AIRTECHNICS

AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS, AIRTECHNICS, INC. (DISTRICT II)

Agenda Report 05-0205

On May 1, 2001, City Council approved the issuance IRBs in the amount of \$4.3 million for Airtechnics, Inc., a manufacturer and distributor of electronic components for the aircraft industry. The City Council also approved a 100% tax exemption for a term of five years, plus an additional five years subject to City Council review. Bond proceeds were used to finance the construction and equipping of a new manufacturing, warehouse, administrative, and sales facility located at 3851 N. Webb Road.

On February 5, 2002, the City Council approved amendments to the Ordinances and other bond documents to restructure debt service payments in accordance with the lower interest rates agreed to between the IRB Tenants and Bondholders. Airtechnics has recently negotiated additional changes to the provisions in the bond documents that govern the calculation of interest payments that will result in a reduction in the company's borrowing costs.

Pursuant to the bond documents, the interest rate on the bonds is indexed to the prime lending rate, plus a spread over that rate. Since the date on which the IRBs were initially issued, interest rates have declined substantially. Airtechnics wishes to restructure the bonds to obtain a lower interest rate, and the institutional lenders that hold the Bonds have agreed to consent to restructuring the index and spread that determines the rate. To accomplish this, certain terms of the bond documents must be amended by means of an Ordinance.

There is no financial impact to the City as a result of the amendment.

Motion--
--carried

Mayans moved that the document amendments needed to restructure the debt services payments for each series in accordance with lower interest rates be approved and the Ordinances placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to a second amendment of certain real estate indenture by and between the City of Wichita, Kansas, as issuer, and the Bank of New York Trust Company, N.A., St. Louis, Missouri, a National Banking Associate, as Trustee, introduced and under the rules laid over.

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ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to a second amendment of a certain equipment trust indenture by and between the City of Wichita, Kansas, an issuer, and Intrust Bank, N.A., a National Banking Association, Wichita, Kansas, as Trustee, introduced and under the rules laid over.

CALVARY TOWERS EXTENSION OF LETTER OF INTENT FOR TAX-EXEMPT INDUSTRIAL REVENUE BONDS, CALVARY TOWERS APARTMENTS. (DISTRICT I)

Agenda Report 05-0223

On September 14, 2005, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000 to Mennonite Housing Rehabilitation Services, Inc. ("MHRS") for the benefit of Calvary Towers Apartments. The proceeds of the proposed bonds will be used to finance a portion of the costs of acquiring, constructing and equipping a senior residence facility located at 2600 North Grove in northeast Wichita. MHRS also plans to utilize Low Income Housing Tax Credits as a component of the financing package.

MHRS has requested the extension because it does not appear that the financing structure associated with the project will be finalized prior to the date the Letter of Intent expires. MHRS is now requesting an extension of the Letter of Intent until December 31, 2005.

There is no financial impact on the City resulting from the requested extension.

Bond documents required for the issuance of bonds will be prepared by bond counsel. The City Attorney's office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion--

Mayans moved that the extension of the Letter of Intent to MHRS for Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000 for a period ending December 31, 2005 be approved. Motion carried 7 to 0.

--carried

WSU SELF-HELP CONTRACT WITH WICHITA STATE UNIVERSITY, SELF-HELP NETWORK, NOT TO EXCEED \$110,086 FOR COMMUNITY DEVELOPMENT CORPORATION EDUCATION AND DEVELOPMENT.

Agenda Report No. 05-0206

As the City of Wichita continues its efforts to revitalize its downtown and neighborhoods, it has become more apparent that local community groups that are interested in carrying out revitalization activities need training and other assistance in order to be more effective. Several neighborhood groups are currently struggling to form either a Community Development Corporation (CDC) or a Community Housing Development Organization (CHDO).

The WSU Self-Help Network proposes to train citizens, prospective board members, staff and volunteers to better understand the purpose and function of CDCs and CHDOs, the values held by successful CDCs and CHDOs, how they are funded, how to build consensus, and how to identify and access stakeholders and partners to build strong organizations. The Self-Help Network will also provide immediate consultation and facilitate assistance to 21st Street corridor groups seeking to establish nonprofit and CDC status. These groups will also be linked to "mentor" CDCs and CHDOs that have been successful in the Kansas City area.

The proposed contract with the Self-Help Network would be a negotiated contract with a not-to-exceed fee of \$110,086. The contract will be funded (in part) from the 2005 HUD Congressional grant (\$330,000) for 21st Street Community Development Corporation when those funds become available to

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the City. The general fund will fund the contract until the HUD grant becomes available and the non-21st Street CDC training will be funded through the WSU mill levy or general fund.

The agreement will be reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the sole source selection of the Wichita State University Self-Help Network for Community Development Corporation education and development be approved; staff authorized to negotiate a not-to-exceed contract of \$110,086; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MARCH 1, 2005)

- a) Meridian Improvement, between 31st Street South and Pawnee. (District IV)

ORDINANCE NO. 46-545

An Ordinance declaring meridian, between 31st Street South and Pawnee (472-84175) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Oliver Street bridge at Gypsum Creek Improvement. (District III)

ORDINANCE NO. 46-546

An Ordinance declaring the Oliver Street Bridge at Gypsum Creek (472-84184) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) ZON2003-61 - west of 135th Street West and on the north side of Kellogg. (District V)

ORDINANCE NO. 46-547

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-61)

- d) (ZON 2004-50) - east of Meridian and south of 37th Street North. (District VI)

ORDINANCE NO. 46-548

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2004-50)

- e) DR2004-00009 – Adoption of Proposed Rezoning for Certain Properties in the Midtown Neighborhood. Generally located south of 18th Street, west of Santa Fe, north of Murdock, and east of

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ORDINANCE NO. 46-549

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (DR2004-0009)

PAVING PROJECTS

a) (490-752/472-83250)

ORDINANCE NO. 46-513

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of CONSTRUCTING A PEDESTRIAN WALKWAY & WATER & SANITARY SEWER SERVICE LINES (On Mead, between Douglas & 1st Street), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) (490-935/472-83385)

ORDINANCE NO. 46-514

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING MILSTEAD, MILSTEAD CT., LOTUS & SIDEWALK (East of 119th St. West, North of Pawnee), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

c) (490-945/472-83455)

ORDINANCE NO. 46-515

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING WAWONA (East of K-96, South of 21st Street), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

d) (490-828/472-83474)

ORDINANCE NO. 46-516

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING SEDGWICK, ATHENIAN, CHARLES, ST. CLAIR, DELAWARE, 54th St. N., 56th ST. N., & 57th ST. N. (North of 53rd St. N., East of Meridian), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

e) (490-829/472-83478)

ORDINANCE NO. 46-517

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING JOANN (North of Central, South of Zoo Boulevard), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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f) (490-887/472-83637)

ORDINANCE NO. 46- 518

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING PECKHAM, PECKHAM COURT & SIDEWALK (East of 127th St. E, North of 21st Street), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

g) (490-940/472-83638)

ORDINANCE NO. 46-519

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING PECKHAM, MAINSGATE CIRCLE & SIDEWALK (North of 21st, East of 127th Street East), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

h) (490-888/472-83647)

ORDINANCE NO. 46-520

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING CAMDEN CHASE & SIDEWALK (North of 21st, East of 127th Street East), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

i) (490-959/472-83716)

ORDINANCE NO. 46-521

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING BRACKEN CIRCLE & ZIMMERLY COURT (South of Lincoln, West of 127th Street East), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

j) (490-913/472-83772)

ORDINANCE NO. 46-537

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING NORTHWIND, NORTHWIND CIR., HAZELWOOD, NORTHSHORE CIR., NORTHWIND CT., & SIDEWALK (East of Ridge, North of 29th Street North), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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k) (490-947/472-83782)

ORDINANCE NO. 46-522

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING PARKDALE, BRISTLE CONE, BRISTLE CONE CIRCLE, LANTANA, LANTANA COURT & SIDEWALK (South of 29th Street North, West of Maize), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

l) (490-973/472-83789)

ORDINANCE NO. 46-523

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING RED FOX CIRCLE (North of 29th Street North, Between Maize & Tyler), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

m) (490-933/472-83848)

ORDINANCE NO. 46-524

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING ANDREA, ANDREA CT. & TARA FALLS CT. (East of Greenwich, South of Harry), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

n) (490-942/472-83860)

This Item was pulled from the Agenda.

o) (490-946/472-83892)

ORDINANCE NO. 46-526

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING ST. PAUL, ST. PAUL COURT & SIDEWALK (West of Meridian, South of MacArthur), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

p) (490-952/472-83930)

ORDINANCE NO. 46-527

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING AUBURN HILLS, MONTEREY, OCALA, AUBURN HILLS CT. & SIDEWALK (West of 135th Street West, North of Kellogg), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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q) (490-955/472-83937)

ORDINANCE NO. 46-528

An ORDINANCE NO. 46- levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING 20th STREET (South of 21st Street North, East of Webb Road), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

r) (490-970/472-83954)

ORDINANCE NO. 46-529

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of CONSTRUCTING A TRAFFIC SIGNAL ON 21st STREET NORTH (North of 21st, West of Greenwich), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

s) (490-971/472-83956)

ORDINANCE NO. 46-530

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING MAIZE CT. & HAMMERHEAD CUL-DE-SAC (West of Maize, South of Pawnee), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

t) (490-969/472-83957)

ORDINANCE NO. 46-531

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita a, Kansas, for the purpose of paying a portion of the cost of CONSTRUCTING A TRAFFIC SIGNAL AT THE INTERSECTION OF MAIZE ROAD & CENTRAL PARK STREET (North of 21st, West of Maize), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

u) (490-976/472-83968)

ORDINANCE NO. 46-532

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING GLENWOOD CIRCLE (East of 127th Street East, South of 21st), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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UNFINISHED BUSINESS

OFFENDERS

REINTEGRATION OF OFFENDERS.

Cathy Holdeman

Assistant City Manager reviewed the Item.

Agenda Report No. 05-0207

Each year approximately 1,200 – 1,300 offenders are released from the Kansas prisons to parole supervision in Sedgwick County. Recognizing that offender re-entry creates significant challenges for the Wichita/Sedgwick County community, a number of steps have been taken to better understand and define the problem. In February 2002, Wichita State University hosted the Assembly on Community Reconnection – A New Beginning for Offenders. The Assembly ended with fourteen (14) recommendations or strategies for the community and its governments and agencies to address.

One recommendation assigned to City and County governments was to form an Offender Re-entry Task Force. The Task Force provided recommendations on governance, community safety, support services, employment and housing. The findings of the Task Force were presented to the City Council and County Commission on February 24, 2004. Staff was charged with developing an implementation plan in conjunction with Sedgwick County and the Kansas Department of Corrections.

On April 6, 2004 the City Council considered this issue. The City Council was asked to consider participating in a pilot program for offender re-entry with Sedgwick County and the Kansas Department of Corrections. The pilot project would be targeted to high-risk offenders leaving Kansas prisons and entering Sedgwick County. The pilot project would address the critical needs of offender re-entry (employment, housing, public safety and support services).

The Council discussed this issue and its action was to direct staff to send this issue to the District Advisory Boards and to the Alternative Correctional Housing (ACH) Board for review and recommendations and to seek any additional input from the Task Force on this issue.

The District Advisory Boards have reviewed the proposed plan for re-integration of offenders and the following is a summary of each District's action.

- DAB I. -- The Board voted 7-0 in support of the re-entry pilot project and voted 6-1 to not disband the Alternative Correctional Housing Advisory Board. (Date of action: August 2, 2004.)
- DAB II. -- The Board voted 8-0 in support of the re-entry pilot project and that the Alternative Correctional Housing Advisory Board not be disbanded at this time. (Date of action: June 7, 2004)
- DAB III. -- The Board voted 9-0 in support of a three-year re-entry pilot project (with annual reports to the DAB Boards) and to not disband the Alternative Correctional Housing Advisory Board (Date of action: July 7, 2004)
- DAB IV -- The Board voted 6-2 in support of the re-entry pilot project and that the Alternative Correctional Housing Advisory Board not be disbanded. (Date of Action: November 3, 2004)
- DAB V -- The Board voted 7-1 in support of the re-entry pilot project (and that the project include an outcomes and evaluation component) and 8-0 to retain the Alternative Correctional Housing Advisory Board (and expand to include other representatives of service agencies). (Date of Action: August 2, 2004)
- DAB VI -- The Board voted 9-0 in support of the re-entry pilot project and to not disband the Alternative Correctional Housing Advisory Board. (Date of Action: September 13, 2004)

The proposed pilot program would serve 150 high-risk offenders scheduled for release in Sedgwick County. Many offenders need assistance in finding suitable housing, developing job skills, securing employment, addressing substance abuse and finding assistance for mental health needs. The pilot program is designed to address these and other risk factors to ensure that parolees are given the assistance they need for successful reintegration.

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The program defines how a staff team located in Sedgwick County will work with facility and parole staff of the Kansas Department of Corrections and community partners (law enforcement, neighborhood representatives, victims, service providers, offender families and employers) to identify high-risk offenders, assess their crime producing risk, identify individual needs and then develop a re-entry plan to stabilize them in the community. The success of this pilot project depends upon information sharing among the partners, connecting offenders with needed services, helping offenders to secure gainful employment and closely monitoring their activities and progress to help reduce the likelihood of recidivism. The proposed project includes identified goals and performance measures to address its success.

The proposed pilot project has an identified budget of \$825,000. The Department of Corrections and Sedgwick County are considering contributing \$275,000 each to this pilot project. Staff is not proposing a financial cash contribution, but instead looking at redirecting some staff time to participate as part of the re-entry staff team. The details and extent of participation are yet to be determined.

The Law Department would approve a Memorandum of Understanding between the City, County and Kansas Department of Corrections once the details of the pilot project have been completed.

Margie Phelps

Ms. Phelps stated that she serves as the Director of Release Planning with the Kansas Department of Corrections and is here to speak with the Council in her capacity as the facilitator of the local city and county appointed Re-entry Task Force. Introduced individuals who are with the department of the task force. Ms. Phelps stated that an assembly occurred in February 2002 and that this assembly was held as a result of work done by the City, County, State and Wichita State University and the reason these entities came together was because every year, 1800 offenders release from prisons and return to this community. Stated that this means that every month, 150 people come to this community who have finished a prison term, which means everyday five people come to the community who have finished prison terms. Stated that under the sentencing structure in Kansas, most of these people are returning and it is not a discretionary decision it is because their term has ended. It is also not a matter of putting in play any mechanism that would bring people here who are not already here. Stated that upwards of 78% of these people come to this community because they started in this community. Stated that 75% of them have determinate sentences, which means there is a day that comes and they walk out the door under Kansas law and nothing can be done about it. Stated that 1/3 of them lack adequate housing, 50% of them do not have the ability to get and keep meaningful career establishing employment, 2/3 of them have a history with addiction and substance abuse, 20% of them need mental health care and about 50% of these people are seriously mentally ill. Stated that they lack the capacity to be pro-social in our community. Stated that the task force spent that year going about the community and the industry of corrections and getting information and ideas so that they would be able to come back to this body and to the county and say this is what they think would help this community reduce the risk that is posed by this population. Stated that when the task force did its work they came at it with the perspective of community safety. Stated that the task force has recommended a set of steps and a program that presents itself as a pilot program that has one predominate goal, which is to reduce the risk of this population as they inevitably flow back into the community. Stated that there are specific objectives and outlines and a means to measure whether what the task force thinks will make a difference. Stated that the most effective thing would be to use this program as a liaison between all of the providers, the neighborhoods and law enforcement and for them to come together and interface with corrections work. Stated that parole staff would be interacting with neighborhoods so that when concerns arise about this population, they could be addressed in a timely manner. Stated that they also spent quite a bit of time on support services and the corrections industry has had to develop expertise about taking care of persons with mental illness. In the proposed budget there is a person who is a mental health specialist and treatment assessor and that this person would start working with offenders a year before they are released and prepare them to get the mental health care that they need so that they do not just drop into our community without medication, connection to the mental health system and they end up with untreated serious mental health issues, which endangers the community. Stated today this set of findings has been presented to the Council and she also went to each of the DABs and presented them with an overview of the program. Stated that the county has agreed to participate in a three way funding effort to implement this pilot program and measure its results and give feedback. Stated that they have had the opportunity to put a model like this in place for Shawnee County to work with this community and other communities.

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- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Council Member Martz Council Member Martz stated that this is a very good program and thinks that the Council should implement it and is supportive of it.
- Council Member Fearey Council Member Fearey stated that she understands that we are not allocating any funding for this today but did notice that while looking at the budget book that the special alcohol and liquor tax fund has increased and suggested that the Council authorize staff to have the latitude to look to see if some funding could be made available from this fund that has to go into those types of rehabilitation programs and could be used for the 2/3 of the offenders who have alcohol or some kind of an addiction history or issues.
- Motion-- Mayans moved that the pilot project be approved; staff authorized to work the Kansas Department of Corrections and Sedgwick County to determine the extent and scope of the City's involvement in this project. Motion carried 7 to 0.
- carried

RAIL CORRIDOR

CENTRAL RAIL CORRIDOR IMPROVEMENT. (DISTRICT VI)

Chris Carrier Director of Public Works reviewed the Item.

Agenda Report No. 05-0208

The Wichita Central Corridor Railroad Grade Separation Project was initially bid on October 1, 2004. Three bids were received and all three bids were over the engineer's estimate. Since that time TranSystems, as program manager, has worked with HNTB, design engineer, to review the plans and specifications and found ways to reduce the overall cost of the project without impacting the integrity of the project.

Several plan changes were developed to reduce the cost of the project. The most significant change to the specifications is the overall length of construction time allowed. The original bid anticipated a 30-month construction schedule and resulted in a significant amount of liquidated damages being worked into the contractors' bids. To eliminate this expense, the construction schedule in the rebid was increased to 38 months. While saving money in the construction contract, the increased construction time will result in higher construction inspection costs for our consultants, HNTB and TranSystems, thus requiring the supplemental agreements. The project also requires modification of the rail access to the Great Plains Transportation Museum located north of Douglas on the east side of the railroad tracks. The new access provided on the south side of the museum requires an easement along Cox Communication property. A three party agreement has been prepared for of the easement. There is no cost to the City for the easement.

Bids for the revised project were opened on February 18, 2005. Dondlinger and Sons was the low bidder. The project scope changes reduced the original base bid and all add alternates from \$73,199,202.55 to \$57,444,084.60, for a total savings of \$15,755,117.95.

The extended eight-month construction schedule will result in increased costs to both HNTB and TranSystems as follows:

Firm	Construction Phase Costs		Difference
	Current Contract	Revised Contract	
TranSystems	\$3,114,102	\$3,319,523	\$205,421
HNTB	\$4,135,908	\$4,427,494	<u>\$291,586</u>
		Total	\$497,007

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The project budget approved by the City Council on November 4, 2003, is \$98,900,000, with \$18,200,000 from Local Sales Tax funds, \$11,800,000 from the Union Pacific Railroad Company, \$24,300,000 from Federal Funds and \$44,600,000 in State Funds. The revised total project budget necessary to cover the construction contract, railroad force account work, inspection cost, design fees and other related expenses needs to be increased to \$105,631,101 as follows: \$18,200,000 Local Sales Tax funds, \$12,254,240 U.P. funds, \$44,649,067 State Funds and \$30,527,794 Federal funds.

The work will require a short-term closure (less than 30 days) of 1st Street and 2nd Street so the bridge structures can be removed. The streets will not be closed at the same time, and the closures will not begin until after River Festival, 2005.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the construction contract be awarded; the Resolution adopted; the supplemental agreements, the access agreement and the access easement approved and the budget adjustment and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-122

A Resolution amending Resolution No. R-99-173 of the City of Wichita, Kansas, finding it necessary to make certain grade separation improvements to the Union Pacific Railroad and streets between Douglas Street and 19th Street North and the realignment of the Burlington Northern Santa Fe Tracks between 17th Street North and 29th Street North, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

IMPOUND. VEH.

IMPOUNDING VEHICLES, EMERGENCY WRECKER SERVICE PROCEDURES AND PRIVATE, TOWING REGULATIONS. **(DEFERRED MARCH 1, 2005)**

Gary Rebenstorf

Director of Law stated that he would like to put together Items 20 and 20a since they address the same subject. Reported that the past history on this issue is that at the last meeting on March 1, 2005, the Council was ready to take action to have the second reading of the ordinance that is listed under Item 20 and questions were raised at that time about whether the ordinance covered notification to lienholders and whether issues regarding the right of lienholders to inspect vehicles at the impound lots of the wrecker companies. Stated that at that time the Council took action to put this matter over until staff could have a chance to meet with the lienholder representatives and see what changes could be made and recommended to the Council. Stated that they have learned in their review of this matter that part of the ordinances that should have been included with the original ordinance that was for the Council review, there was an ordinance that was not attached to or discussed in the agenda report for Item 20 and that dealt with the notification issue to the lienholders, so what he has done is put that ordinance together as Item 20a asking that it be approved at the same time as the ordinances in Item 20 and have it done as an emergency since they all go together and have them all approved and ready to go at the same time. Stated that in regards to the issue of right of the lienholders to inspect the vehicles that are on the impound lots, they have learned from their research that cities are pre-empted from going into that area because of federal legislation and that legislation was interpreted by the Supreme Court in an opinion in 2002 saying that cities did not have the right to go into those types of areas being that allowing the inspections or establishing a fee for private tows that were made not in compliance or not at the request of law enforcement.

Council Member Gray

Council Member Gray stated that this seems to be a very lucrative business especially if you do not have to show the lienholders the condition of the vehicle that you are going to ask them to pay a fee for maintaining it. Stated that he understands that it is protected by law but that it is not morally right to not give the opportunity for the person who owns the lien or the title to inspect it before they are forced to pay for it.

Council Member Martz

Council Member Martz stated that it was his understanding that the lienholder could not see what the vehicle looked like until they pay the fees.

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- Gary Rebenstorf Director of Law stated that would be an issue between the wrecker company and the lienholders because of the federal pre-emption issue, we do not have the authority as a City Council to make that a requirement.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Greg Ferris Mr. Ferris stated that the lienholders are notified but the law of property says that the towing companies are not allowed to let those people into that vehicle unless they have the proper documents because they do not own the car. Stated that tow companies cannot just let anybody onto the lot and the tow companies send a tow truck out and have a cost to do this and what the lienholders are saying is that before I pay you anything, they want to go to see if they even want to pay them. Stated that it is the towing companies that take the hit if no one ever claims the vehicle. Stated that he wanted to clarify the process.
- Council Member Brewer Council Member Brewer stated that he understands why the lienholders would want to look at the vehicles prior to paying a fee and that there is not a Council Member present that has not received a phone call at some point that after a car has been towed to a lot, it is in a totally different configuration when the owner comes and picks it up or something is missing. Stated that someone is looking at it and someone is touching the vehicle and can understand why the lienholders would want to look at it before they come and pick it up to see whether or not parts have been taken off of it.
- Greg Ferris Mr. Ferris stated that if that is happening, he thinks that the Police Department would be very anxious to get those reports because they will go to those lots and it is a misdemeanor on the part of their companies if they do anything to that vehicle.
- Motion--carried Mayans moved that the Ordinances be adopted. Motion carried 7 to 0.

ORDINANCE NO. 46-550

An Ordinance amending Section 11.52.020, of the Code of the City of Wichita, Kansas and repealing the original of said section of the Code of the City of Wichita, Kansas, pertaining to unlawful parking--exceptions. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 46-551

An Ordinance amending Sections 3.49.030, 3.49.040, 3.49.070, 3.49.130, 3.49.140, and 3.49.170 of the Code of the City of Wichita, Kansas, pertaining to requirements and operating procedures for emergency wrecker service and repealing the original of said section. . Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 46-552

An Ordinance creating Sections 11.99.010, 11.99.020, 11.99.030, 11.99.040, and 11.99.050, of the Code of the City of Wichita, Kansas, pertaining to private towing regulations. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ORD. AMENDMENTS ORDINANCE AMENDMENTS, SECTIONS 11.97.020 AND 11.97.030, RELATING TO IMPOUNDING VEHICLES.

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 05-0209

In 2004, the Kansas Legislature amended K.S.A. 8-1102 regarding procedures to be followed by public agencies when vehicles are impounded by a law enforcement agency.

The amendments require that owners, as well as lienholders, be notified when a vehicle is impounded by a law enforcement agency. Further, the amendments require individuals seeking to recover vehicles from impound to provide proof of valid registration and ownership before the vehicle is released.

Additional amendments to the city's Emergency Wrecker Ordinances were placed on first reading on February 15, 2005. The amendments were taken off the agenda for second reading on March 1, 2005, due to concerns expressed by lienholders regarding notification and their ability to access vehicles while impounded on private lots. Amendments to Section 11.97.020 and 11.97.030 were inadvertently not included in the initial amendments to the wrecker ordinances. Such ordinances are necessary for the implementation of the previous amendments.

Legal staff met with interested parties to determine if compromises could be reached.

The proposed amendments bring the city's ordinances into compliance with the Kansas statutes. Requests by lienholders for legislation to establish fees for private (non-police tows) and to allow access to view vehicles while in impound are not possible. Such legislation is pre-empted by Federal Statutes. 49 U.S.C. 14501(c) limits regulation of towing companies by states and municipalities to safety regulations and prices charged for non-consensual (police tows).

An emergency should be declared so that all amendments relating the wrecker services and notifications are effective on the same date.

Motion-- Mayans moved that a Declaration of Emergency be approved and the Ordinances be adopted
--carried on first reading. Motion carried 7 to 0.

ORDINANCE NO. 46-553

An Ordinance amending Sections 11.97.020 and 11.97.030 of the Code of the City of Wichita, Kansas, pertaining to towing and impound and repealing the originals of said sections. Mayans moved that the Declaration of Emergency be approved and the necessary signatures be authorized; and the Ordinance be placed upon its passage and adopted on first reading. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

NEW BUSINESS

CONDEMNATION REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICT III)

Kurt Schroeder Office of Central Inspection reviewed the Item.

Agenda Report 05-0211

On January 25, 2005 a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on March 8, 2005.

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On January 10, 2005, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

Property Address

Council District

a. 1535 East Pawnee

III

Pursuant to State Statute, the Resolution was duly published twice on January 27, 2005, and February 3, 2005. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Brian White

Mr. White stated that he is representing his client, which is the owner of this property. Stated that this property had previously been sold and the title of the property transferred to the buyers' name. Stated that a fire occurred to the structure and the buyer got the insurance proceeds and took off without repairing the building. Stated that in January there was a judgment on him but that they have yet to collect on it. Stated that the original owner's intent was to sell the property and that there is another buyer in place and a contract has been sent to him for review and approval. Stated that this new prospective buyer is wanting to repair the canopy and use it with a new structure that he would buy or construct on this property. Stated that they are asking for a 60 to 90 day extension.

Jessie (inaudible)

Stated that he has been looking at this structure for three years and that it is dangerous and would like to see it go away.

Motion--

Lambke moved that the public hearing be closed; the resolution declaring the building a dangerous and unsafe structure adopted and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of March 8, 2005; (2) the structure has been secured as of March 8, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of March 8, 2005 and will be so maintained during renovation. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-123

A Resolution finding that the structure/s located on Lots 2 and 4, block 2, Archie Adams Addition to Wichita, Sedgwick County, Kansas, commonly known as 1535 East Pawnee, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WATER AND SEWER CURRENT REFUNDING OF WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005A ADVANCED REFUNDING OF WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005B.

Kelly Carpenter

Interim Finance Director reviewed the Item.

Agenda Report 05-0212

The City is planning to offer for sale two series of refunding revenue bonds totaling approximately \$85,000,000. The Series 2005A Bonds will refund the Series 1997 Water and Sewer Utility Revenue Bonds while the Series 2005B Bonds will advance refund the 1999 Water and Sewer Utility Revenue Bonds. The pricing of the bonds is anticipated to occur at the beginning of April and will be priced based on favorable market conditions. Staff has been studying the potential of creating debt service savings by refunding the above listed Series and is seeking Council authorization to proceed with the structuring of a negotiated refunding revenue bond issue.

State and federal law permits local governments to issue refunding bonds, which replace previously issued and currently outstanding bonds. If the bonds being refunded are currently callable, they can be

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refunded with “current refunding” bonds, without limitation as to the number of times the original bonds have been refunded. If the bonds being refunded are not currently callable, they can only be refunded with “advance refunding” bonds. Tax-exempt bonds originally issued after the effective date of the 1986 Tax Reform Act can only be advance refunded once. The Series 2005A Bonds contain a series of bonds that are callable and can be refunded using a current refunding scenario. However, the Series 2005B Bonds are not yet callable but are eligible for an advanced refunding.

Staff has investigated the savings potential from these refundings and has determined that significant savings in debt service costs can be obtained. Based on current bond market conditions, it is estimated that approximately \$3.56 million in debt service costs can be saved allocated annually in the Debt Service Fund through 2018, with a present value of approximately \$2.78 million.

Staff recommends using a negotiated approach to selling the refunding bonds because of the potential for volatility in the bond market and the need for specialized structuring expertise and other administrative assistance that underwriters can provide in a negotiated transaction, which results in achieving optimal savings. A Request for Proposal for negotiated underwriting services was sent to six firms. Because of timing constraints, the award of the negotiated underwriting services will come back to the City Council for consideration on March 22, 2005 (Consent Agenda).

Because of the complexity of the issues, it is in the best interest of the City to utilize a financial advisor. The financial advisor will be aide in the structure, timing, marketing, terms and perhaps most importantly, oversee the fairness of the pricing. Staff will use the services of a financial consultant, Springsted Public Financial Advisors, to assist in the analysis and bond structuring needed for this task. Springsted is the financial advisor to Sedgwick County, selected through a competitive selection process. The preferred schedule for the refunding will have pricing completed immediately prior to the regular meeting of the City Council on April 5th. However, if the pricing does not generate a sufficient level of savings prior to the April 5th meeting, the managing underwriter and staff will develop a tentative schedule that will target the following City Council meeting on April 12th.

The estimated present value savings of \$2.78 million is equal to approximately 3.24% of the par amount of the bonds being refunded. Generally accepted standards for determining the appropriate level of savings in a bond refunding suggest a minimum 3% as the threshold. The proposed refunding exceeds the minimum threshold. Based on that standard, the proposed refunding is financially sound. The cost of the Underwriter will be based on the total par amount of the bonds issued. The cost of the underwriter’s fees, financial advisory services, and other expenses such as rating fees, Escrow Agent fees, Paying Agent fees, Bond Counsel fees and other expenses associated with the issuance of the bonds have all been anticipated and deducted from the amount of savings that the refunding issue will generate.

Principal financing documents will be prepared by the City’s Bond Counsel, Hinkle Elkouri Law Firm, LLC, and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Cybill Strum

Ms. Strum stated that she would like to see the utility companies start lowering their rates because there are a lot of people who are on fixed incomes and the customers should not have to pay for deliveries.

Motion--
--carried

Mayans moved that Springsted be authorized to perform financial advisory services for the City and the resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-125

A Resolution of the governing body of the City of Wichita, Kansas, declaring its intention to issue its water and sewer utility refunding revenue bonds for the purpose of refunding certain outstanding Water & Sewer Utility Revenue Bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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HARDSHIP DEFERRAL SPECIAL ASSESSMENTS HARDSHIP DEFERRAL PROGRAM.

Kelly Carpenter

Interim Finance Director reviewed the Item.

Agenda Report 05-0213

Section 2.24.075 of the City Code establishes the eligibility requirements for deferral of special assessments. Under existing City Code, eligibility is based on income guidelines or because the land is used primarily for agricultural purposes. The City's current guidelines require revisions to more accurately define eligibility qualifications for homeowners who wish to receive a hardship deferral for their special assessments. A review of peer cities with special assessment deferral programs have identified additional eligibility requirements that may reduce the amount of specials deferred while maintaining a program that assists citizens with a true need. Further, when a special assessment deferral is granted, a lien is placed on the property through the Sedgwick County Register of Deeds Office. When the applicant no longer qualifies for a deferral or asks to be removed from the deferral program, the City releases the lien. Currently, the City is paying to have the liens filed and released.

Approved special assessment deferral applications are recertified annually. Staff follows the guidelines established in the Ordinance to determine whether to grant or deny an application. Currently, the primary eligibility criteria defined in the City code is family income. Family income cannot exceed the U.S. Department of Housing and Urban Development's median gross income family limits, very low-income level, based on the actual median income for the City of Wichita. Problems in verifying actual applicant income make eligibility determinations more difficult. In addition, basing the primary eligibility on income may result in excessive benefits never intended by the City Council. Establishing guidelines that are more clear and unambiguous will help ensure that applicants who are truly needy will be assisted by the program.

The City currently has 161 projects that provide special assessment deferrals for 114 property owners due to hardship. For 2004, the amount being deferred is approximately \$134,155. Recommended revisions and estimated impacts are as follows:

Revision #1 - The appraised value of the home of the applicant seeking the deferral cannot exceed the current median home value for existing homes, which would be adjusted annually based on actual market conditions. The average home value will be obtained from the Wichita State University Center for Real Estate.

Impact - The current median home value for an existing single family house is \$98,455. If the revision is implemented, 12 existing recipients (and 21 projects) would no longer qualify for a hardship deferral of their special assessments. The City is currently paying the annual installments of their debt in the Special Assessment approximate amount of \$5,821. Over the fifteen years, the amount that the City will have paid for these deferrals would be \$84,511.36.

Revision #2 - The annual principal and interest on the assessments must be in excess of one percent of the owner's annual income.

Estimated Impact - Adding this revision would remove deferrals totaling \$3,735.50 annually being paid by the 24 existing homeowners for 30 projects currently on deferral or \$57,095.81 over the fifteen-year term of the bonds.

Revision #3 - Applicant must pay for the lien recording and current lien release fees prior to the assessment being placed on deferral.

Estimated Impact - Lien recording fees must be paid before the hardship is processed. The average cost for filing a lien is \$21.98. The lien release is \$9.00. Last year, the City placed 85 properties on deferral and released 27 liens. In total, the City spent \$1,295.14 filing and releasing liens on deferrals. This cost accounts for approximately 12% of Debt Management's contractual budget allocation.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--
--carried

Mayans moved that the City Code 2.24.075 be amended and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 2.24.075 of the Code of the City of Wichita, Kansas, pertaining to deferral of payment of special assessments and repealing the original of said Section, introduced and under the rules laid over.

PARK RENOVATION PARK FACILITIES RENOVATION.

Doug Kupper

Director of Parks and Recreation reviewed the Item.

Agenda Report No. 05-0214

The Park and Recreation Department has a number of existing facilities and park amenities that are aging and in need of renovation. This project has been initiated each year since 2002 and has resulted in significant improvements in all parks, recreation centers and park shelters. Recreation center investments were completed at Boston and Linwood in 2002, Evergreen and Lynette Woodard in 2003, and improvements spread at all recreation centers in 2004 to include replacement tables, chairs, storage racks, and recreation and game equipment. Other park improvements include replacement picnic tables, benches, grills, bleachers, athletic field fencing, goals, score boards, and numerous other improvements and replacement projects to ensure safe and attractive parks and facilities.

The 2005 Park Capital Improvement Program (CIP) includes funding for the renovation of park facilities. Renovation will protect the City's investment in these facilities, making them functional and aesthetically attractive to citizen users. Plans call for improvements at Edgemoor and Orchard Recreation Centers, South Lakes Sports Complex, replacement fencing at various athletics venues, and replacement and installation of grills, picnic tables, benches, and bleachers at numerous sites.

The 2005 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the bonding resolution be approved; initiation of the project and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-124

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the labor, material, and equipment for park facilities renovation, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

29TH STREET N.

29TH STREET NORTH IMPROVEMENT, FROM 119TH STREET WEST TO MAIZE. (DISTRICT V)

Jim Armour

Acting City Engineer reviewed the Item.

Agenda Report No. 05-0215

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve 29th Street North, from 119th Street West to Maize. District V Advisory Board sponsored a February 7, 2005, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

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The project will reconstruct 29th Street North to provide a 4 - 5 lane roadway and a landscaped median. Left turn lanes will be provided at the major entrances into adjoining residential neighborhoods. A storm water sewer system will be constructed to eliminate the ditches along the roadway.

The estimated project cost is \$3,500,000 with \$850,000 paid by the City and \$2,650,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Martz moved that the project be approved; the Ordinance placed on First Reading, and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring 29th Street North, between 119th Street West and Maize (472-84185) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

37TH STREET N.

37TH STREET NORTH IMPROVEMENT FROM TYLER TO RIDGE AND REPLACEMENT OF BRIDGE LOCATED 1,300 FEET WEST OF RIDGE. (DISTRICT V)

Jim Armour

Acting City Engineer reviewed the Item.

Agenda Report No. 05-0216

The 2004-2013 Capital Improvement Program adopted by the City Council includes projects to improve 37th St. North, from Tyler to Ridge and replace the bridge on this section of the road. District V Advisory Board sponsored a December 6, 2004, neighborhood hearing on the projects. The Board voted 6-0 to recommend approval of the projects.

The proposal is to build a four-lane roadway with a landscaped median. Left turn lanes will be provided at intersecting side streets. The existing bridge located approximately 1,300 feet west of Ridge will be removed and replaced with a new four-lane structure. Construction is planned for 2006.

The estimated 37th St. North project cost is \$3,700,00 with \$1,000,000 paid by the City and \$2,700,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The estimated bridge cost is \$700,000 with \$200,000 paid for by the City and \$500,000 by Federal Grants.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Cybill Strum

Ms. Strum asked the Council to get the roads that are being worked on done before starting on new projects.

Motion--
--carried

Martz moved that the projects be approved; the Ordinances placed on First Reading, and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring 37th Street North, between Tyler and Ridge (472-84186) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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ORDINANCE

An Ordinance declaring 37th Street North bridge at the Big Slough (1,300 feet west of Ridge) 472-84187) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CENTURY II

CENTURY II EXPANSION AND MODERNIZATION STUDY. (DISTRICT I)

Doug Kupper

Parks and Recreation Director reviewed the Item.

Agenda Report No. 05-0217

Century II is 35 years old and the Bob Brown Expo Hall addition is 18 years old. These facilities have served the community well, but modernization is needed, both functionally and aesthetically. To stay competitive in both retaining existing business and attracting new business, Century II must begin to plan for expansion. It is also anticipated that the upcoming emphasis on marketing Wichita, along with the development of the Downtown area and the river corridor, will create an increased demand for space in Century II for conventions, conferences and other special events.

On March 19, 2002, the City Council approved a contract with HVS Convention Sports and Entertainment Facilities Consulting. HVS analyzed the problems associated with our existing facility, performed a business analysis of our facility, and determined our expansion needs to stay competitive. Also, as part of that original contract, HVS also developed possible master plan scenarios to accomplish both the expansion of convention/display space and the modernization of the theater portions of the building. However, the study was concluded prior to development of a final report because the project raised complex questions that needed both additional direction from the City and additional analysis from the consultants that went beyond the scope of their original contract.

The recently completed Visioneering study identifies recreation and entertainment venues contribution o the quality of life. At this point in time, staff feels that there is a better understanding of the direction of the project, and would like to amend the original contract with HVS to complete the master plan for the Century II campus. The plan will also explore the needs of the Library Board and the Main Library.

Funding for the amended contract of \$55,000 can be reallocated from the funds remaining in an existing CIP project which involves replacing the loge seating in Century II. This project is nearly completed and once it is closed out, some of the surplus funding could be allocated to this contract.

The Law Department will approve the amended contract and the bonding resolution as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the amended contract and the reallocation of \$55,000 from the existing CIP Project be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPOSED ASSESS.

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR TWENTY-FIVE (25) WATER PROJECTS, TWENTY (20) SEWER ROJECTS, AND SEVENTEEN (17) STORM WATER PROJECTS IN JULY 2005 BOND SALE SERIES 782.

Jim Armour

Acting City Engineer reviewed the Item.

Agenda Report 05-0218

The City Council was notified on February 8, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

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Notice of hearing letters were published February 11, 2005 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance & Public Works staff held an informal hearing February 28, 2005 at 11:00 a.m. for the water and sewer projects.

Statements of Special Assessment will be mailed to the property owners on March 25, 2005. The 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2005 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2005 tax roll.

These projects were initiated pursuant to provisions of KSA 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

480-678 468-83186 Main 19, Southwest Interceptor Sewer (ordered in)

a) (470-858/448-89459) Construction of Water Distribution System No. 448-89459 TO SERVE BOOHER 2ND ADDITION, South of 55th Street South, West of Seneca, as authorized by Resolution R-00-032, adopted January 25, 2000, and published January 28, 2000, corrected & republished February 11, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$23,988.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

b) (470-870/448-89496) Construction of Water Distribution System No. 448-89496 TO SERVE KILLENWOOD POINTE ADDITION, South of 13th Street, East of Greenwich, as authorized by Resolution R-00-346, adopted September 26, 2000, and published September 30, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$16,462.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

c) (470-825/448-89737) Construction of Water Distribution System No. 448-89737 TO SERVE HAWTHORNE, HAWTHORNE 2ND, 3RD & 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-03-169, rescinded by Resolution No. R-03-644 & rescinded by Resolution No. R-04-438, adopted April 8, 2003, December 16, 2003 & August 17, 2004, and published April 11, 2003, December 22, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$21,433.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

d) (470-848/448-89741) Construction of Water Distribution System No. 448-89741 TO SERVE RIDGE PORT NORTH 5TH ADDITION, South of 37th Street North, East of Ridge, as authorized by Resolution R-02-486, adopted November 5, 2002, and published November 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$94,230.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

e) (470-851/448-89756) Construction of Water Distribution System No. 448-89756 TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, as authorized by Resolution R-02-545, rescinded by Resolution No. R-04-636, adopted December 10, 2002 & November 23, 2004, and published December 14, 2002, corrected & republished January 14, 2003 & December 23, 2004, corrected & republished January 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$59,031.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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f) (470-852/448-89766) Construction of Water Distribution System No. 448-89766 TO SERVE SOUTHERN RIDGE ADDITION, South of Pawnee, West of Maize, as authorized by Resolution R-03-056, rescinded by Resolution No. R-04-609, adopted February 4, 2003 & November 9, 2004, and published February 8, 2003 & December 7, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$20,693.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

g) (470-786/448-89781) Construction of Water Distribution System No. 448-89781 TO SERVE SIERRA HILLS ADDITION, East of 127th Street East, North of Pawnee, as authorized by Resolution R-03-091, amended by Resolution No. R-03-177 & rescinded by Resolution No. R-04-632, adopted February 11, 2003, April 15, 2003 & November 23, 2004, and published February 15, 2003, April 18, 2003 & November 29, 2004, corrected & republished January 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$42,031.00 is to be apportioned 50% payable by the improvement district & 50% payable by the Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

h) (470-787/448-89782) Construction of Water Distribution System No. 448-89782 TO SERVE SIERRA HILLS ADDITION, East of 127th Street East, North of Pawnee, as authorized by Resolution R-03-092, rescinded by Resolution No. R-04-633, adopted February 11, 2003 & November 23, 2004, and published February 15, 2003 & November 29, 2004, corrected & republished January 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$118,167.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

i) (470-877/448-89817) Construction of Water Distribution System No. 448-89817 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, as authorized by Resolution R-03-204, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$45,983.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

j) (470-861/448-89822) Construction of Water Distribution System No. 448-89822 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, as authorized by Resolution R-03-209, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$41,618.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

k) (470-849/448-89827) Construction of Water Distribution System No. 448-89827 TO SERVE HIGHLAND SPRINGS 3RD ADDITION, West of 135th Street West, South of Central, as authorized by Resolution R-03-251, adopted May 20, 2003, and published May 23, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$45,647.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

l) (470-855/448-89837) Construction of Water Distribution System No. 448-89837 TO SERVE FOX RIDGE ADDITION, North of 29th Street North, between Maize & Tyler, as authorized by Resolution R-03-288, adopted June 10, 2003, and published June 13, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$15,760.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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- m) (470-876/448-89847) Construction of Water Distribution System No. 448-89847 TO SERVE REGENCY PARK ADDITION, North of 21st, West of Greenwich Road, as authorized by Resolution R-03-317, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$24,434.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- n) (470-831/448-89849) Construction of Water Distribution System No. 448-89849 TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, as authorized by Resolution R-03-367, rescinded by Resolution No. R-04-449, adopted July 15, 2003 & August 31, 2004, and published July 18, 2003 & September 3, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$90,846.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- o) (470-821/448-89856) Construction of Water Distribution System No. 448-89856 TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, as authorized by Resolution R-03-380, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$46,468.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- p) (470-824/448-89862) Construction of Water Distribution System No. 448-89862 TO SERVE HAWTHORNE 2ND & 3RD ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-03-483, rescinded by Resolution No. R-04-423, adopted September 9, 2003 & August 17, 2004, and published September 12, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$84,851.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- q) (470-838/448-89866) Construction of Water Distribution System No. 448-89866 TO SERVE AVALON PARK, North of 37th Street North, East of Tyler, as authorized by Resolution R-03-464, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$47,997.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- r) (470-847/448-89882) Construction of Water Distribution System No. 448-89882 TO SERVE CRESTVIEW COUNTRY CLUB ESTATES OVERBROOK 5TH ADDITION, East of 143rd Street East, South of 13th, as authorized by Resolution R-03-529, rescinded by Resolution No. R-04-133, adopted October 7, 2003 & March 16, 2004, and published October 10, 2003 & March 19, 2004, corrected & republished April 2, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$31,443.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- s) (470-830/448-89887) Construction of Water Distribution System No. 448-89887 TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, as authorized by Resolution R-03-549, adopted October 21, 2003, and published October 24, 2003, corrected & republished November 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$77,443.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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t) (470-829/448-89898) Construction of Water Distribution System No. 448-89898 TO SERVE RIDGE ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution R-03-596, adopted November 18, 2003, and published November 21, 2003, corrected & republished February 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$75,479.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

u) (470-841/448-89912) Construction of Water Distribution System No. 448-89912 TO SERVE ENGLISH COUNTRY GARDENS ADDITION, East of Tyler, North of 13th, as authorized by Resolution R-04-065, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$83,464.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

v) (470-846/448-89914) Construction of Water Distribution System No. 448-89914 TO SERVE AVALON PARK, UNPLATTED TRACTS A, B, C, & D, NORTHRIDGE PLAZA, RIDGE, TYLER'S LANDING, TYLER'S LANDING 2ND & HOSKINSON'S 2ND ADDITIONS, Along 37th Street North, between Tyler & Ridge, as authorized by Resolution R-04-056, rescinded by Resolution No. R-04-330, adopted February 10, 2004 & June 22, 2004, and published February 13, 2004 & June 25, 2004, corrected & republished August 26, 2004, corrected & republished December 20, 2004, corrected & republished February 16, 2005, corrected & republished February 23, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$456,698.00 is to be apportioned 74.4% payable by the improvement district & 25.6% of the total cost payable by the Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

w) (470-860/448-89932) Construction of Water Distribution System No. 448-89932 TO SERVE HINKLE'S ADDITION, East of Woodlawn, South of 29th, as authorized by Resolution R-04-230, adopted May 11, 2004, and published May 14, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$24,491.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

x) (470-856/448-89934) Construction of Water Distribution System No. 448-89934 TO SERVE KRUG NORTH ADDITION, North of 21st, West of 143rd Street East, as authorized by Resolution R-04-177, adopted April 13, 2004, and published April 16, 2004, corrected & republished May 14, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$87,759.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

y) (470-862/448-89945) Construction of Water Distribution System No. 448-89945 TO SERVE STEVE KELLEY 5TH ADDITION, South of 13th, East of Hoover, as authorized by Resolution R-04-199, adopted April 20, 2004, and published April 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$42,932.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

z) (480-725/468-83106) Construction of LATERAL 101, SANITARY SEWER NO. 23, East of Meridian, South of 53rd Street North, as authorized by Resolution R-00-204, rescinded by Resolution No. R-03-546 & amended by Resolution No. 04-173, adopted May 9, 2000, October 21, 2003 & April 13, 2004, and published May 12, 2000, October 24, 2003, & April 16, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$492,914.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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aa) (480-678/468-83186) Construction of MAIN 19, SOUTHWEST INTERCEPTOR SEWER, Bounded by 29th Street North, Hoover, K-96 & Tyler, as authorized by Resolution R-03-240, rescinded by Resolution No. R-03-458, rescinded by Resolution No. R-05-021, adopted May 20, 2003, September 9, 2003 & January 4, 2005, and published May 23, 2003, September 12, 2003, corrected & republished September 25, 2003 & January 10, 2005, corrected & republished February 1, 2005. The Statement of Cost approved January 4, 2005, in the amount of \$4,807,768.00 is to be apportioned 69% payable by Sewer Utility Fund & 31% payable by the improvement district. The cost has been assessed on a square foot basis.

bb) (480-699/468-83506) Construction of MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution R-02-473, rescinded by Resolution No. R-03-541 & rescinded by Resolution No. R-04-426, adopted October 22, 2002, October 21, 2003 & August 17, 2004, and published October 26, 2002, October 24, 2003 & August 20, 2004, corrected & republished December 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$56,491.00 is to be apportioned 50% payable by the improvement district & 50% payable by the Sewer Utility Fund. The cost has been assessed on a fractional basis.

cc) (480-700/468-83508) Construction of LATERAL 2, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution R-03-321, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$75,012.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

dd) (480-701/468-83509) Construction of LATERAL 3, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution R-03-322, rescinded by Resolution No. R-03-486 & rescinded by Resolution No. R-04-427, adopted June 17, 2003, September 9, 2003 & August 17, 2004, and published June 20, 2003, September 12, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$90,648.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ee) (480-732/468-83524) Construction of LATERAL 6, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Ridge, as authorized by Resolution R-02-488, adopted November 5, 2002, and published November 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$222,520.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ff) (480-735/468-83533) Construction of LATERAL 5, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 135th Street West, as authorized by Resolution R-02-548, rescinded by Resolution No. R-04-637, adopted December 10, 2002 & November 23, 2004, and published December 14, 2002, corrected & republished April 18, 2003 & November 29, 2004, corrected & republished January 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$116,877.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

gg) (480-736/468-83549) Construction of LATERAL 33, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, as authorized by Resolution R-03-057, rescinded by Resolution No. R-04-610, adopted February 4, 2003 & November 9, 2004, and published February 8, 2003 & December 7, 2004, corrected & republished December 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$27,971.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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hh) (480-742/468-83568) Construction of LATERAL 3, MAIN 14, FOUR MILE CREEK SEWER, South of 21st, East of 127th Street East, as authorized by Resolution R-03-514, rescinded by Resolution No. R-05-007, adopted September 16, 2003 & January 4, 2005, and published September 19, 2003 & January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$48,545.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ii) (480-665/468-83583) Construction of LATERAL 343, FOUR MILE CREEK SEWER, East of 127th Street East, North of Pawnee, as authorized by Resolution R-03-094, amended by Resolution No. R-03-158, rescinded by Resolution No. R-04-634, adopted February 11, 2003, April 1, 2003 & November 23, 2004, and published February 15, 2003, April 7, 2003 & November 29, 2004, corrected & republished January 18, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$424,551.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

jj) (480-714/468-83659) Construction of LATERAL 1, MAIN 5, COWSKIN INTERCEPTOR SEWER, West of Maize, South of 31st Street South, as authorized by Resolution R-03-371, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$157,322.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

kk) (480-702/468-83672) Construction of LATERAL 83, MAIN 22, WAR INDUSTRIES SEWER, South of 21st, West of Webb, as authorized by Resolution R-03-382, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$72,929.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ll) (480-754/468-83689) Construction of LATERAL 9, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, East of Tyler, as authorized by Resolution R-03-470, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$102,280.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

mm) (480-731/468-83709) Construction of LATERAL 358, FOUR MILE CREEK SEWER, East of 143rd Street East, South of 13th, as authorized by Resolution R-03-530, rescinded by Resolution No. R-04-134, adopted October 7, 2003 & March 16, 2004, and published October 10, 2003 & March 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$64,101.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

nn) (480-710/468-83714) Construction of LATERAL 94, MAIN 1, SOUTHWEST INTERCEPTOR SEWER, North of 55th Street South, West of Hydraulic, as authorized by Resolution R-03-552, adopted October 21, 2003, and published October 24, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$324,959.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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oo) (480-721/468-83725) Construction of LATERAL 13, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-577, adopted November 4, 2003, and published November 7, 2003, corrected & republished January 7, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$236,070.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

pp) (480-722/468-83726) Construction of LATERAL 14, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-578, amended by Resolution No. R-04-174, adopted November 4, 2003 & April 13, 2004, and published November 7, 2003, corrected & republished January 8, 2004 & April 16, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$555,127.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

qq) (480-712/468-83736) Construction of LATERAL 15, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Ridge Road, as authorized by Resolution R-03-597, adopted November 18, 2003, and published November 21, 2003, corrected & republished February 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$125,244.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

rr) (480-730/468-83747) Construction of LATERAL 361, FOUR MILE CREEK SEWER, South of 13th, East of Greenwich, as authorized by Resolution R-04-007, adopted January 6, 2004, and published January 9, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$225,958.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ss) (480-743/468-83801) Construction of LATERAL 272, MAIN 5, SANITARY SEWER NO. 22, South of 13th, East of Hoover, as authorized by Resolution R-04-200, adopted April 20, 2004, and published April 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$65,477.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

tt) (485-212/468-83516) Construction of SWD NO. 190, PART 1, TO SERVE HAWTHORNE & HAWTHORNE 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-02-477, rescinded by Resolution No. R-03-488 & rescinded by Resolution No. R-04-440, adopted October 22, 2002, September 9, 2003 & August 17, 2004, and published October 26, 2002, September 12, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February 8, 2005, in the amount of \$171,071.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

uu) (485-251/468-83517) Construction of SWD NO. 191, PART 1, TO SERVE HAWTHORNE & HAWTHORNE 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-02-478, amended by Resolution No. R-04-087 & rescinded by Resolution No. R-04-441, adopted October 22, 2002, March 2, 2004 & August 17, 2004, and published October 26, 2002, March 5, 2004 & August 20, 2004, corrected & republished September 27, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February 8, 2005, in the amount of \$97,527.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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vv) (485-254/468-83560) Construction of SWS NO. 582, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, as authorized by Resolution R-02-552, rescinded by Resolution No. R-04-638, adopted December 10, 2002 & November 23, 2004, and published December 14, 2002 & November 29, 2004, corrected & republished January 18, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$106,314.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ww) (485-237/468-83571) Construction of SWS NO. 592, TO SERVE REED'S COVE & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-03-391, rescinded by Resolution No. R-05-019, adopted July 15, 2003 & January 4, 2005, and published July 18, 2003 & January 10, 2005, corrected & republished February 3, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$141,648.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

xx) (485-225/468-83625) Construction of SWD NO. 204, TO SERVE REED'S COVE, REED COMMERCIAL, REED'S COVE 2ND & 3RD ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-03-211, rescinded by Resolution No. R-03-392, rescinded by Resolution No. R-04-518, adopted May 6, 2003, July 15, 2003 & September 21, 2004, and published May 9, 2003, July 18, 2003 & October 4, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$891,079.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

yy) (485-244/468-83640) Construction of SWS NO. 589, TO SERVE EVERGREEN 4TH ADDITION & UNPLATTED TRACT, South of 29th Street North, West of Maize, as authorized by Resolution R-03-574, rescinded by Resolution No. R-04-092, adopted November 4, 2003 & March 2, 2004, and published November 7, 2003 & March 5, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$104,410.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

zz) (485-242/468-83662) Construction of SWD NO. 208, TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, as authorized by Resolution R-03-374, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$114,875.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

aaa) (485-238/468-83674) Construction of SWS NO. 593, TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, as authorized by Resolution R-03-384, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$400,582.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

bbb) (485-240/468-83719) Construction of SWS NO. 595, TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, as authorized by Resolution R-03-556, amended by Resolution No. R-04-055, adopted October 21, 2003 & February 10, 2004, and published October 24, 2003 & February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$439,739.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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ccc) (485-247/468-83728) Construction of SWS NO. 598, TO SERVE TYLER'S LANDING 2ND ADDITION, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-580, adopted November 4, 2003, and published November 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$180,487.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ddd) (485-241/468-83737) Construction of SWS NO. 601, TO SERVE RIDGE ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution R-03-598, adopted November 18, 2003, and published November 21, 2003, corrected & republished February 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$112,460.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

eee) (485-243/468-83749) Construction of SWS NO. 603, TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, as authorized by Resolution R-04-008, adopted January 6, 2004, and published January 9, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$39,562.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

fff) (485-252/468-83756) Construction of SWD NO. 222, TO SERVE ENGLISH COUNTRY GARDENS ADDITION, East of Tyler, North of 13th, as authorized by Resolution R-04-067, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$483,958.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ggg) (485-253/468-83775) Construction of SWD NO. 225, TO SERVE REGENCY LAKES COMMERCIAL 2ND & UNPLATTED TRACT "A", North of 21st, West of Greenwich, as authorized by Resolution R-04-071, amended by Resolution No. R-04-145 & rescinded by Resolution No. R-04-190, adopted February 10, 2004, April 6, 2004 & April 20, 2004, and published February 13, 2004, April 8, 2004 & April 23, 2004, corrected & republished February 3, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$419,266.00 is to be apportioned 10.08% payable by the improvement district & 89.92% payable by the City of Wichita from Storm Water Utility. The cost has been assessed on a fractional basis.

hhh) (485-257/468-83800) Construction of SWD NO. 230, TO SERVE REED'S COVE, REED COMMERCIAL, REED'S COVE 2ND & 3RD ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-04-189, rescinded by Resolution No. R-04-519, adopted April 20, 2004 & September 21, 2004, and published April 23, 2004 & October 4, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$64,831.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

iii) (485-272/468-83868) Construction of SWD NO. 191, PART 2, TO SERVE HAWTHORNE ADDITION, North of 21st, East of 127th Street East, as authorized by Resolution R-04-429, adopted August 17, 2004, and published August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February 8, 2005, in the amount of \$52,869.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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jjj) (485-271/468-83869) Construction of SWS NO. 190, PART 2, TO SERVE HAWTHORNE, HAWTHORNE 2ND, 3RD & 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-04-430, adopted August 17, 2004, and published August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February 8, 2005, in the amount of \$488,313.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Ralph Cross

Mr. Cross stated that he is a property owner in this area and has attended the public hearings and the DAB meeting that were held last year. Stated that the area is composed of new development and there are many areas where individuals have property with one house on it or no home and have five to twenty acres and that his concern is that even though the rates per square foot for the acreages are the same for everybody, it is not equal because in a development only the lots that the house are on are charged. The areas for streets and storm water control are not charged. Stated that on a 10 acre lot that is unplatted and undeveloped, they are paying for the total square area on the assumption that someday houses may be built but without using the assumption that those houses will require streets to service them. Stated that he feels there is an effective rate differential that is not obvious.

Joan Sherwood

Ms. Sherwood stated that she lives in District IV and is wondering if this proposal includes the one that was talked about at the last DAB IV meeting, which would be the Pawnee Prairie Park.

Council Member Gray

Council Member Gray stated that this issue has nothing to do that. Explained that there was notice sent out that meeting was cancelled for today and that Item will appear back on the agenda sometime in April.

Jim Armour

Acting City Engineer stated that in regards to Mr. Cross's comment, they access in undeveloped areas per the water and sewer departments' policy and that is to use the gross acreage to compute that assessment.

Motion--
--carried

Mayans moved that the Public Hearing be closed; the proposed assessments be approved and the Ordinances be placed on first reading. Motion carried 7 to 0.

a) (470-858/448-89459)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89459 TO SERVE BOOHER 2ND ADDITION, South of 55th Street South, West of Seneca., introduced and under the rules laid over.

b) (470-870/448-89496)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89496 TO SERVE KILLENWOOD POINTE ADDITION, South of 13th Street, East of Greenwich, introduced and under the rules laid over.

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c) (470-825/448-89737)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89737 TO SERVE HAWTHORNE, HAWTHORNE 2ND, 3RD & 4TH ADDITIONS, North of 21st, East of 127th Street East, introduced and under the rules laid over.

d) (470-848/448-89741)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89741 TO SERVE RIDGE PORT NORTH 5TH ADDITION, South of 37th Street North, East of Ridge, introduced and under the rules laid over.

e) (470-851/448-89756)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89756 TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, introduced and under the rules laid over.

f) (470-852/448-89766)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89766 TO SERVE SOUTHERN RIDGE ADDITION, South of Pawnee, West of Maize, introduced and under the rules laid over.

g) (470-786/448-89781)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89781 TO SERVE SIERRA HILLS ADDITION, East of 127th Street East, North of Pawnee, introduced and under the rules laid over.

h) (470-787/448-89782)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89782 TO SERVE SIERRA HILLS ADDITION, East of 127th Street East, North of Pawnee, introduced and under the rules laid over.

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i) (470-877/448-89817)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89817 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, introduced and under the rules laid over.

j) (470-861/448-89822)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89822 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, introduced and under the rules laid over.

k) (470-849/448-89827)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89827 TO SERVE HIGHLAND SPRINGS 3RD ADDITION, West of 135th Street West, South of Central, introduced and under the rules laid over.

l) (470-855/448-89837)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89837 TO SERVE FOX RIDGE ADDITION, North of 29th Street North, between Maize & Tyler, introduced and under the rules laid over.

m) (470-876/448-89847)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89847 TO SERVE REGENCY PARK ADDITION, North of 21st, West of Greenwich Road, introduced and under the rules laid over.

n) (470-831/448-89849)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89849 TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, introduced and under the rules laid over.

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o) (470-821/448-89856)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89856 TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, introduced and under the rules laid over.

p) (470-824/448-89862)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89862 TO SERVE HAWTHORNE 2ND & 3RD ADDITIONS, North of 21st, East of 127th Street East, introduced and under the rules laid over.

q) (470-838/448-89866)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89866 TO SERVE AVALON PARK, North of 37th Street North, East of Tyler, introduced and under the rules laid over.

r) (470-847/448-89882)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89882 TO SERVE CRESTVIEW COUNTRY CLUB ESTATES OVERBROOK 5TH ADDITION, East of 143rd Street East, South of 13th, introduced and under the rules laid over.

s) (470-830/448-89887)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89887 TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, introduced and under the rules laid over.

t) (470-829/448-89898)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89898 TO SERVE RIDGE ADDITION, North of 37th Street North, West of Ridge, introduced and under the rules laid over.

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u) (470-841/448-89912)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89912 TO SERVE ENGLISH COUNTRY GARDENS ADDITION, East of Tyler, North of 13th Street, introduced and under the rules laid over.

v) (470-846/448-89914)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89914 TO SERVE AVALON PARK, UNPLATTED TRACTS A, B, C, & D, NORTHRIDGE PLAZA, RIDGE, TYLER'S LANDING, TYLER'S LANDING 2ND & HOSKINSON'S 2ND ADDITIONS, Along 37th Street North, between Tyler & Ridge, introduced and under the rules laid over.

w) (470-860/448-89932)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89932 TO SERVE HINKLE'S ADDITION, East of Woodlawn, South of 29th Street, introduced and under the rules laid over.

x) (470-856/448-89934)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89934 TO SERVE KRUG NORTH ADDITION, North of 21st, West of 143rd Street East, introduced and under the rules laid over.

y) (470-862/448-89945)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89945 TO SERVE STEVE KELLEY 5TH ADDITION, South of 13th, East of Hoover, introduced and under the rules laid over.

z) (480-725/468-83106)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 101, SANITARY SEWER NO. 23, East of Meridian, South of 53rd Street North, introduced and under the rules laid over.

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aa) (480-678/468-83186)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of MAIN 19, SOUTHWEST INTERCEPTOR SEWER, Bounded by 29th Street North, Hoover, K-96 & Tyler, introduced and under the rules laid over.

bb) (480-699/468-83506)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, introduced and under the rules laid over.

cc) (480-700/468-83508)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 2, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, introduced and under the rules laid over.

dd) (480-701/468-83509)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 3, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, introduced and under the rules laid over.

ee) (480-732/468-83524)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 6, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Ridge, introduced and under the rules laid over.

ff) (480-735/468-83533)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 5, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 135th Street West, introduced and under the rules laid over.

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gg) (480-736/468-83549)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 33, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, introduced and under the rules laid over.

hh) (480-742/468-83568)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 3, MAIN 14, FOUR MILE CREEK SEWER, South of 21st, East of 127th Street East, introduced and under the rules laid over.

ii) (480-665/468-83583)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 343, FOUR MILE CREEK SEWER, East of 127th Street East, North of Pawnee, introduced and under the rules laid over.

jj) (480-714/468-83659)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 1, MAIN 5, COWSKIN INTERCEPTOR SEWER, West of Maize, South of 31st Street South, introduced and under the rules laid over.

kk) (480-702/468-83672)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 83, MAIN 22, WAR INDUSTRIES SEWER, South of 21st, West of Webb, introduced and under the rules laid over.

ll) (480-754/468-83689)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 9, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, East of Tyler, introduced and under the rules laid over.

mm) (480-731/468-83709)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 358, FOUR MILE CREEK SEWER, East of 143rd Street East, South of 13th, introduced and under the rules laid over.

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nn) (480-710/468-83714)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 94, MAIN 1, SOUTHWEST INTERCEPTOR SEWER, North of 55th Street South, West of Hydraulic, introduced and under the rules laid over.

oo) (480-721/468-83725)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 13, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, introduced and under the rules laid over.

pp) (480-722/468-83726)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 14, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, introduced and under the rules laid over.

qq) (480-712/468-83736)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 15, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Ridge Road, introduced and under the rules laid over.

rr) (480-730/468-83747)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 361, FOUR MILE CREEK SEWER, South of 13th, East of Greenwich, introduced and under the rules laid over.

ss) (480-743/468-83801)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of LATERAL 272, MAIN 5, SANITARY SEWER NO. 22, South of 13th, East of Hoover, introduced and under the rules laid over.

tt) (485-212/468-83516)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 190, PART 1, TO SERVE HAWTHORNE & HAWTHORNE 4TH ADDITIONS, North of 21st, East of 127th Street East, introduced and under the rules laid over.

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uu) (485-251/468-83517)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 191, PART 1, TO SERVE HAWTHORNE & HAWTHORNE 4TH ADDITIONS, North of 21st, East of 127th Street East, introduced and under the rules laid over.

vv) (485-254/468-83560)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 582, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, introduced and under the rules laid over.

ww) (485-237/468-83571)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 592, TO SERVE REED'S COVE & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, introduced and under the rules laid over.

xx) (485-225/468-83625)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 204, TO SERVE REED'S COVE, REED COMMERCIAL, REED'S COVE 2ND & 3RD ADDITIONS, South of 21st, East of 127th Street East, introduced and under the rules laid over.

yy) (485-244/468-83640)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 589, TO SERVE EVERGREEN 4TH ADDITION & UNPLATTED TRACT, South of 29th Street North, West of Maize, introduced and under the rules laid over.

z) (485-242/468-83662)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 208, TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, introduced and under the rules laid over.

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aaa) (485-238/468-83674)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 593, TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, introduced and under the rules laid over.

bbb) (485-240/468-83719)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 595, TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, introduced and under the rules laid over.

ccc) (485-247/468-83728)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 598, TO SERVE TYLER'S LANDING 2ND ADDITION, South of 37th Street North, East of Tyler, introduced and under the rules laid over.

ddd) (485-241/468-83737)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 601, TO SERVE RIDGE ADDITION, North of 37th Street North, West of Ridge, introduced and under the rules laid over.

eee) (485-243/468-83749)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 603, TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, introduced and under the rules laid over.

fff) (485-252/468-83756)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 222, TO SERVE ENGLISH COUNTRY GARDENS ADDITION, East of Tyler, North of 13th Street, introduced and under the rules laid over.

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ggg) (485-253/468-83775)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 225, TO SERVE REGENCY LAKES COMMERCIAL 2ND & UNPLATTED TRACT "A", North of 21st, West of Greenwich, introduced and under the rules laid over.

hhh) (485-257/468-83800)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 230, TO SERVE REED'S COVE, REED COMMERCIAL, REED'S COVE 2ND & 3RD ADDITIONS, South of 21st, East of 127th Street East, introduced and under the rules laid over.

iii) (485-272/468-83868)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWD NO. 191, PART 2, TO SERVE HAWTHORNE ADDITION, North of 21st, East of 127th Street East, introduced and under the rules laid over.

jjj) (485-271/468-83869)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of SWS NO. 190, PART 2, TO SERVE HAWTHORNE, HAWTHORNE 2ND, 3RD & 4TH ADDITIONS, North of 21st, East of 127th Street East, introduced and under the rules laid over.

2005-2006 HUD

2005-2006 HUD COMBINED ALLOCATIONS/ONE YEAR ACTION PLAN. (DISTRICTS I, III, IV & VI)

Mary K. Vaughn

Director of Housing Services reviewed the Item.

Agenda Report 05-0219

On November 2, 2004, the City Council established funding allocation amounts for CDBG, HOME and ESG programs and services. Services to be provided by the City were designated for that purpose. Services to be provided by external service providers were identified as undesignated funds. Based on the Council's action, City staff solicited applications for programs and services to be funded from undesignated funds, through a competitive Request for Proposal (RFP) process.

The City Council-appointed Grants Review Committee (GRC) held a public hearing on January 25, 2005 to provide an opportunity for the public to address the Committee regarding housing and community development needs (CDBG), HOME and ESG funding. The GRC carefully reviewed the written and verbal comments from the public, as well as the applications submitted in response to the RFP, in order to develop funding recommendations for the City Council's consideration.

Since the City Council's November 2, 2004 action, adjustments have been made in the total amounts available. These adjustments include a decrease in funding based on Congressional appropriations

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announced in December 2004, as well as an increase in the estimate for program income, and a new allocation of American Dream Down payment Initiative (ADDI) funds. Following is a summary of the current allocations and changes:

Program	Original	Changes	New
Community Development Block Grant (CDBG)	\$3,433,000	(\$212,451)	Prog. Inc. \$577,842
			\$3,848,391
HOME Investment Partnership (HOME)	\$1,890,000	(\$63,794)	ADDI \$77,424
Emergency Shelter Grant (ESG)	\$127,712	(\$1,022)	\$1,903,630
			\$126,690

Community Development Block Grant

1. Capital/Housing

Recommendations for Capital and Housing initiatives address the needs of Neighborhood Revitalization Areas and include recommended funding for the Rental Housing Revolving Loan program.

2. Neighborhood Stabilization

On November 2, 2004, the City Council designated \$335,588 for Neighborhood Stabilization activities. The current recommendation includes increased expenditures in Neighborhood Stabilization. The increase is due to increased program income and also takes into account recommended increases in allocations for women's services and summer youth employment, and funding a new initiative for the Urban League of the MidPlains to promote Fair Housing programs. Based on these adjustments, the total amount available for Neighborhood Stabilization activities is \$547,654. These funds can be utilized for additional capital projects, community facilities/buildings or for deferred maintenance on eligible City-owned facilities (but not Public Services). Based on input received from the Parks and Public Works Departments, staff recommends the \$547,654 be utilized for park and public facilities improvements for low and moderate-income areas in Districts 1, 3, 4 and 6.

3. Public Services

Based on the November 2, 2004 City Council action, RFP's were solicited for Women's Services, Summer Youth Employment Services and Youth Recreation/Enrichment Services. Staff Screening and Selection Committees reviewed the proposals received for Women's Services, Youth Recreation/Enrichment, and Summer Youth Employment.

HOME Investment Funds

1. Undesignated CHDO Funding

The Grants Review Committee and staff have provided funding recommendations for undesignated Community Housing Development Organization (CHDO) funding, for the following CHDOs:

- Community Housing Services for the acquisition and rehabilitation of one single-family home in the Northeast Local Investment Area
- Mennonite Housing Rehabilitation Services for rehabilitation or new construction of five homes in one of the six Local Investment Areas
- Power CDC for the construction of five homes in the Northeast Local Investment Area. All homes will be sold to income qualified, first-time homeowners.

2. HOME Reduced Funding

The base allocation for the 2005/2006 HOME was reduced from original projections of \$1,890,000, to \$1,826,206 (a reduction of \$63,794). Due to the reduction in funding, staff recommends that HOME Operating Funds for CHDOs be reduced to \$91,310 (5% cap) and the Housing Development Loan Program be reduced to \$302,276. Because of the reduced funding and a 10% mandatory cap for administration activities, staff has reduced the activity HOME Investment Partnership Administration to \$182,620.

3. American Dream Down payment Initiative (ADDI)

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HUD has allocated \$77,424 for participation in the American Dream Down payment Initiative (ADDI), and is designated by HUD to be utilized to provide down payment and closing cost assistance grants to low and moderate-income persons entering into homeownership.

Emergency Shelter Grants

1. Undesignated Funding

Staff supports the recommendation of the Grants Review Committee for ESG undesignated funding. The Grants Review Committee took into account the Community Council on Homeless Advocacy (CCHA)'s priorities and proposed funding needs, in making their recommendations.

2. Reduced Funding

The projected 2005/2006 ESG grant from HUD is now estimated to be approximately \$1,022 less than originally anticipated. The projected amount (and the amount designated by the City Council) was \$127,712 and the revised estimate is \$126,690. Staff has reduced the funding for all ESG projects accordingly.

The final 2005/2006 CDBG allocation decreased by \$162,091 from the original projection. The base HOME allocation decreased by \$63,794, however \$77,424 in ADDI funds were added to the HOME allocation, for a net increase of \$13,630. Total Emergency Shelter Grant funds decreased by \$1,022. The total proposed allocation for the 2005/2006 HUD Combined Allocations and the One-Year Action Plan is \$5,878,711 (including prior year funds). These allocations will be effective July 1, 2005.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded, however in most cases the allocations can be less than the maximum. Following are the FY 2005/2006 limits:

CDBG	\$1,163,310	Public Services
\$654,182	Planning and Administration	

HOME Funds	\$290,456	Neighborhood-Based Non-Profits (CHDOs) - Minimum
\$182,621	Administration	

Emergency Shelter Funds	\$38,007	Essential Services
\$38,007	Homeless Prevention	
\$6,335	Administration	

The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program also must primarily benefit low/moderate income persons and the Emergency Shelter program must benefit homeless persons. Allocation of Consolidated Plan funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low-income persons or addressing conditions of slum/blight. The process by which grant funds are authorized by the City Council is a matter of local determination, providing all HUD eligibility requirements are met.

The City Council has the authority to solicit proposals or to reserve grant funds for community priority needs and programs, as determined by the City Council. The recommendations herein meet all federal requirements in the allocation of funds. Upon approval of this action and prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. In addition, staff will prepare a One-Year Action Plan of activities to be funded based on the City Council's action. The One-Year Action Plan will be presented to City Council and will be made available for a required thirty (30) day public review/comment period prior to final approval.

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- Council Member Brewer Council Member Brewer stated that he has concern with the fact that commitments were made to many citizens when these centers were first opened as to what we would do and because of funding we did not fulfill those commitments. Stated that he thinks that a community educator being there full time would be an excellent investment and that we should probably have that in each one of the facilities so if they can go out and work with USD 259 and bring the youth and citizens into the centers to use those facilities.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Unidentified Speaker Stated that regarding CHDO, last year they requested to build three new homes in Planeview and were granted one. Stated that this year they again requested for three homes and understands that they will receive none. Stated that it appears that the reason is that the lot that they said that they would donate for this project to build was not mandated. Stated if that lot was not suitable he would have appreciated if they were told so that they could have revised their grant. Stated that Planeview really needs a fair deal with the City of Wichita and is requesting the Council to please reconsider this proposal and come up with another plan or solution. Regarding the Summer Youth Employment, over the years they have spent many hours and fine-tuned this program and suggested that the comprehensive life skills training program be added and have been providing excellent training for youths. Stated that some youths were placed and received excellent training. Stated that his request is that the Wichita Indochinese Center be given the \$150,000.00 that they requested so that this program can solve the youth of all races and continue to provide excellent training. If the Council wants to do more with this funding, they are prepared to do that but they did not see anything different from the previous years in the RFP so they applied in the similar fashion. Stated that they followed the RFP but their understanding from staff is that agencies and programs should not be mixed with job employment programs. His request is that the entire \$150,000.00 be provided to them so that they can continue the excellent collaboration that they have built and to recommend building one house in Planeview.
- Carrie Jones Williams Ms. Williams stated that she is the director of the Family Services Institute and thanked the Council for adding the extra \$50,000.00 to the Summer Youth Programs so that more youths can be employed. Stated that she has participated in this program for five years and in that time the program has not grown. Stated that this program is desperately needed in this community and needs to be able to employ more youth and more of a widespread effort among the community in order to keep children employed and to keep them out of trouble. Stated that she has been actively searching for ways to add to the City's funding to get involved in this process in order to increase the activity in this program. Stated that she feels that the allocation of \$150,000.00 going to each organization is a very fair allocation.
- Council Member Brewer Council Member Brewer stated that he feels it is important that the programs that have been identified both have excellent programs and he thinks that the \$200,000.00 is not enough and should continue working towards getting additional funds but that it is a good start and a nice first step.
- Motion-- Brewer moved that the funding allocations for the City's 2005/2006 HUD Consolidated Plan Combined Application be approved; use and allocations for \$547,654 CDBG Neighborhood Stabilization funding be allocated; \$100,000 for the Rental Housing Loan program be approved; \$16,000 to the Urban League for the Fair Housing Initiatives be approved; the Request for Proposal for CDBG Public Services/Programs be approved; the \$50,000 increase for Summer Youth Employment program be approved; the \$44,033 increase for Women's Services be approved; the use of ADDI funds and the reductions HOME Operating Funds for CHDOs and the Housing Development Loan Program be approved; the reduced amount in HOME Administration be approved; Grants Review Committee's recommendations on HOME CHDO funding be approved; Grants Review Committee's recommendations on Emergency Shelter Grant funding be approved and the preparation of the One-Year Action Plan be authorized. Motion carried 7 to 0.
- carried

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BNSF RAILROAD

AGREEMENT BETWEEN CITY OF WICHITA AND BURLINGTON NORTHERN AND SANTA FE (BNSF) RAILROAD REGARDING RAILBANKING OF BNSF'S CORRIDOR IN EAST WICHITA.

John Schlegel

Director of Planning reviewed the Item.

Agenda Report No. 05-0220

The BNSF Railroad identified 11 miles of rail corridor for abandonment from 13th and Washington to the Sedgwick-Butler County Line (159th Street). The City of Wichita completed a study in January 2002 to examine options for the use of the corridor upon the ceasing of rail operations. Based on information in the study, City Council authorized staff in May 2002 to negotiate with the BNSF Railroad to railbank 9.83 miles of the corridor from Hydraulic Street to 159th Street. The portion west of Hydraulic Street is recommended for abandonment.

The National Trails Systems Act provides the railbanking authority to preserve railroad corridors and allow interim trail use. Railbanking is an alternative to abandonment whereby the underlying easement that created the corridor is preserved and maintained until such time as reactivation of freight rail service may occur. The 2002 study identified several reasons to consider preserving and managing the corridor, including surface and stormwater management, access to municipal utility infrastructure within the corridor, and pedestrian-bicycle trail development.

The first year's cost to maintain the corridor, including trash and weed removal is estimated at \$78,500, and the annual operating cost for subsequent years is \$7,300.

Upon railbanking, city crews will be responsible for maintenance and access to the corridor. The City of Wichita is also responsible for any legal liability arising out of the transfer of the corridor.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the necessary signatures for the Railbanking and Donation Contract be authorized. Motion carried 7 to 0.

JUSTICE ASS. GRNT

JUSTICE ASSISTANCE GRANT.

Terry Moses

Deputy Chief of Police reviewed the Item.

(Schlapp momentarily absent)

Agenda Report No. 05-0221

The City of Wichita Police Department and Sedgwick County Sheriff's Office have received notification they are eligible to receive 2005 Justice Assistance Grant (JAG) funding. The new JAG funding replaces the previous Local Law Enforcement Grant and Byrne Grant funding. The City of Wichita and Sedgwick County are required to submit a joint application for JAG funding, specifying the amount of the funds that are to be distributed to each of the units of local government and the purposes for which the funds will be used. The City of Wichita and Sedgwick County are eligible for a total of \$407,776 in federal funding, to be shared equally at \$203,888 each. Sedgwick County will be the applicant/fiscal agent for the joint funds.

Prior to beginning the JAG application process, a Memorandum of Understanding will be signed by both Sedgwick County and City of Wichita officials, outlining the administration and distribution of the grant funds. The Sedgwick County Commission will hold a public hearing for the joint JAG application on March 9, 2005, allowing public comment by citizens. The Wichita Police Department will use their share of the JAG funding for Taser implementation, including Taser units for training and replacement.

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The City of Wichita will receive \$203,888 in 2005 Justice Assistance Grant funding. There is no local match requirement.

The required Memorandum of Understanding will be reviewed by the Law Department

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the application be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

MAAIC

MID AMERICAN ALL-INDIAN CENTER FINANCIAL LOAN. (DISTRICT VI)

John D'Angelo

Director of Arts reviewed the Item.

Agenda Report No. 05-0222

There is a tremendous cultural significance in the Indian Center. The Wichita and Native American community has an intense passion in the history of the facility as well as the people who first helped form the Center. The Native American Community needs a strong management team and Board of Trustees to find a common ground and mission for the Center, so Indian heritage can be remembered and values shared with the community. The Indian Community needs a gathering place as well as an educational tool for the community and visitors to our City.

On April 24, 1984, the City Council reviewed a memorandum written as a final report by Wayne E. Issac, a Federal Aid Coordinator for the City of Wichita who was assigned as the City's liaison to the Mid America All Indian Center (MAAIC). The report documented that the Indian Center was in a similar financial situation as they are in today.

On December 31, 2004, the Board of Trustees made the decision to temporarily close the facility doors and layoff the Center's staff. Since that time, City staff has been working with the Board to determine the current financial status by reviewing outstanding debts and obligations that exist, preparation of a restructuring plan, and operational budget for 2005.

The Board of Trustees has applied to several organizations for financial assistance and to date has received very little assistance. Based on their current account payable report, most payments are more than 120 days past due which places the Center and its Board of Trustees at risk for creditors and court liens. It is critical to their continuance that they receive immediate monetary assistance that will allow them to pay creditors, vendors, and tax liabilities. City staff has been working with the Board to develop a structuring budget, which outlines all the operating expenses that the Center will need to reopen and become operational again. The 2005 operating budget is based on reopening the facility to the public on May 1 through December 31, 2005 (7 month period) and the expenses are based on operational expenses from April through December 2005 (8 months). There is a built in contingency in the operating budget for any unknown operational expenses and City staff has included an additional 5% management reimbursable fee for the services the City will provide during the transition period.

City staff believes that without this immediate monetary assistance, the creditors and state revenue department will seize any assets and bank accounts to repay the Center's debt, thus permanently closing the Indian Center. While the City of Wichita certainly has an investment in the facility, it also recognizes that the MAAIC is an incorporated entity and is responsible for conducting its affairs in a businesslike manner and for the satisfaction of its financial obligations. It is in the best interest of both the community and the City Council to help stabilize the institution and approve the agreement.

The agreement is based on four principals that the Board of Trustees has agreed to they are as follows:

1. Financial Loan: The City of Wichita will provide the MAAIC Board of Trustees a secured loan in the sum of \$175,000.00. The Board of Trustees will secure the loan with the art collection until the debt has been paid in full.

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2. Restructuring of the Board of Trustees: The composition of the Board needs to be restructured to provide stronger leadership and knowledge on business practices. The Board has a mission statement, but the operational internal controls and financial reporting to the Board needs strengthened. The City will need to hold three positions on the board with the right to veto financial matters until the loan is paid in full. The City will continue to hold these appointments on the board as a part of their by-laws.

3. Staffing: MAAIC Board of Trustees would as a part of this agreement with the City of Wichita, agree to provide administrative staff oversight of the operation of the center. City staff will continue to support operations and implement new procedures that will ensure the facility is being efficiently operated. City staff will provide an annual operating budget that includes a contingency and a 5% administrative fee paid to the City for additional operating expenses incurred by the City Staff that is not included in the current operating funding provided to MAAIC. Currently, the Native American Program provides a part-time, 20-hour clerk who is paid to support the center's office staff. This job position will end in June, but the program representative has offered to fund two additional 20-hour employees. These positions would provide additional staffing for the Center's operation.

4. Fundraising: MAAIC board of trustees will have expectations of fundraising goals each year as part of their obligation and efforts to fund community events, programs or other activities that are desired by the Board and used by the community. If these goals are not met then programming will be delayed or postponed until funds are available to pay for these activities.

It is believed that this agreement protects the City from financial losses and helps the Board of Trustees to operate using a positive business model for the future generations to enjoy.

City staff has identified \$175,000 in funding from the 2005 budget general fund contingency account.

Approve the agreement as to legal form and approve the financial loan, which requires a budget adjustment exceeding \$25,000 requires the City Council approval.

Newman Washington	Mr. Washington stated that he is the acting Director of the Mid America All Indian Center and that there has been some speculation on the management of this center and that after reviewing several documents from the past board meetings, there was once a relationship with the City, which helped established the Indian Center. Stated that somewhere down the line that relationship filtered out and that the Indian Center is not only looking for assistance from the City for funding but also to reestablish it's relationship with the City.
Council Member Fearey	Council Member Fearey inquired about the restructuring of the board of trustees and if the new board would include members from the Friends of the Keeper group.
John D'Angelo	Director of Arts explained that the board of trustees has agreed to meet with them and as part of the restructuring, they will be discussing both board composition and appointments as it relates to who should serve on the board.
Council Member Fearey	Council Member Fearey stated that she understands that there are some eagle feathers that are priceless and asked if these sacred artifacts are being protected.
John D'Angelo	Director of Arts stated yes they are and that they will assume as security what is required to cover the loan amount. Stated that the collection is valued far higher than what we will be loaning them financially, so they are not going to secure the entire collection, only a portion of it to protect the taxpayers so that they have some protection in place and it is also in the agreement that it is not the intent of the City to sell, trade or do anything with this collection other than just to hold it.
Mayor Mayans	Mayor Mayans inquired whether anyone wished to be heard.
Gerald Murphy	Mr. Murphy read aloud the names of the founding committee that founded the Indian Center and read aloud the official statement of purpose. Stated that he believes that they need more than the money that was stated and asked how are we going to reestablish the center and that the museum operates separately and collects their own money and are their own entity. Stated that there is no unity as stated

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in the official statement of purpose. Asked where the money is going to come from after opening the doors to pay the bills and get the money back. Stated that he feels we need to re-evaluate and do agree that they need the money but will the \$175,000.00 save them next year or the year after.

Barbara Harshberger

Ms. Harshberger stated that she is a Cherokee Indian and has served on the board for many years and would like to say that this board does not represent all of the Wichita Indians and that this board has been an embarrassment to all of the Wichita Indians with their inability to run the center and follow the bylaws. Stated that she thinks that the bylaws should be respected and not be changed and that with the proper qualified Indians leading the community, you will have unification with all of the Indians, which they do not now have. Stated that she would like to see new structure, new board members and people who have the Indian Center at their heart. Stated that she does feel that this board is responsible for their debt.

Susan Seal

Ms. Seal stated that she represents three of the former board members who could not attend and is the chairperson for the Friends of the Keeper Incorporated and that Black Bear Bosen was her uncle. Stated that when the community began its investigation more than a year ago, three of them met with Council Member Fearey and explained what was going on and that nothing was done. Stated that they started their own investigation and continued it and retained an attorney and after months they could not get anyone to hear their concerns so they decided to go public with it and that they were the ones who approached the newspaper. Stated that they disclosed the mismanagement of the center and became victims and now they are not allowed the use of the center unless they pay. Stated that the purpose of the center was to be there for the Indian people so that they would have a place to go and gather and that now they do not have a place to go. Stated that this board is not representing one original board member. Stated that she feels it is very sad now that they have to pay for the use of the building to have dances and to gather socially and hopes that this time they will listen to them, when this could have been stopped a year ago.

Ermalee Skillman

Ms. Skillman stated that she is a part of the elder's council and have been a volunteer for the Indian museum for many years. Stated that she fears that the well will run dry if they have to pay staff the wages for the City and they will be city staff and that their wages are quite high. Stated that there is also the matter of what was arrived for rental and what she has heard is that it is exorbitant and fears that they will never have an occasion to have any affairs there. Stated that they continued to abide by the regulations for receiving federal funds that this should be Indian staff and that Native American artifacts are only to be sold on the premises or exhibited.

Vernon Cy Ottone

Mr. Ottone stated that he is a Kiowa Indian and is asking the Council to approve this agenda Item because it is time to open the doors back up at the center. Stated that the restructuring of the format and the board is important but the first matter of business should be to open the doors back up. Stated that there are many organizations that have been meeting and have been discussing the importance and the needs of the Native American community in relation to the Mid American All Indian Center but many times there are individuals who might feel intimidated or reluctant to attend those meetings since the doors are shut. Stated that he is optimistic that the repayment of the loan can be done. Stated that he is hoping the Council will approve the action that is recommended so that he can get back home.

Nakita Allman

Ms. Allman stated that she is currently on the board at the Indian Center and that currently on the board they do have an original board member, who is Bob Marley. Stated that they are the ones that have been taken the shots from certain members of the Indian community and that there are over 70 tribes represented in the City of Wichita and that they do their best to honor as many tribes as they can and have respect. Stated that you cannot take 70 people and put them in one room and get them to agree on every single issue. Stated that there are several issues that the native people do not agree on that have nothing to do with the Indian Center. Stated that this board has not turned and run but have faced the challenges and that she has the utmost respect for the people that she serves with and that they give their time and receive threatening phone calls and calls at work from people who would rather use a strong arm then turn around and help out. Stated that this agreement between the City and the Indian Community happened a long time ago and the idea was to create a good relationship and that we need to coincide and rebuild this relationship. Stated that she would like to see well baby clinics at the center again. Stated that the City has been very respectful of the artifacts and very respectful of their ways.

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- Unidentified speaker Stated that the Indian Community needs to stick together and work out their differences. Asked that they think of their ancestors and try to work together as a group and work with the City.
- Council Member Fearey Council Member Fearey stated that she would like to address the issue that was brought up by Ms. Seal. Stated that she took those concerns to the to City Staff and was told that the Indian Center was a functioning board using a City facility and that it would not be proper for us to step in and try to address issues that they needed to work out with their board. Stated that she feels it was unfair to say that she did not do anything with this and that she worked with them with the Park Department on helping with the event that they actually came to see her about.
- Council Member Martz Council Member Martz stated that this issue is a very important issue to all of the City Council Members and thinks that the center is a place that needs to be maintained and is very important to our City and the Keeper of the Plains is one of our icons for the City. Stated that this must be continued on and this is a way to try and help support the center and to get it back on its feet. Stated that this is a good step in the right direction to help the center to be preserved and wants to make sure that all of the artifacts are maintained in Wichita and will be supporting this issue.
- Council Member Brewer Council Member Brewer stated that he agrees with Council Member Martz and that they are trying to close the chapter on a part of history that has happened in the community and try to give them a new start and bring closure to it as quickly as possible. Stated that all of us have to work together on this and would like to put this Item to a vote and support this effort.
- Motion-- Fearey moved that both the agreement and the financial loan of \$175,000 to the MAAIC Board of Trustees be approved. Motion carried 7 to 0.
--carried

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BOARD APPTS.

BOARD APPOINTMENTS.

- Council Member Fearey Council Member Fearey requested to appoint Steve Heins to the Access Advisory Board and Ron Doty to the Arts Task Force Board.
- Council Member Lambke Council Member Lambke requested to appoint Michael Dywer to the Arts Council.
- Council Member Schlapp Council Member Schlapp requested to appoint Monical Flynn to the Arts Task Force Board.
- Council Member Martz Council Member Martz requested to appoint Darcy Zabel to the Arts Council Board.
- Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.

RECESS

- Motion-- Mayans moved that the City Council recess into Executive Session at 12:45 p.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, and contract negotiations and that the Council return from Executive Session no earlier than 1:45 p.m. and reconvene in the City Council Chambers of City Hall.
--carried Motion carried 7 to 0.

RECONVENE

- The Council reconvened in the City Council Chambers at 1:45 p.m.
- Motion-- Mayans moved to extend the Executive Session until 2:00 p.m. Motion carried 5 to 0,
--carried (Brewer and Lambke absent).

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RECONVENE

The Council reconvened in the City Council Chambers at 2:05 p.m. Mayor Mayans stated that no action was taken.

Motion--carried Mayans moved at 2:05 p.m. to close the Executive Session. Motion carried 7 to 0.

Motion--carried Mayans moved at 2:06 p.m. to close the regular meeting. Motion carried 7 to 0.

ADJOURNMENT

The meeting adjourned at 2:06 p.m.

Respectfully submitted,

Karen Sublett
City Clerk

*****Workshop followed in the first floor board room*****